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# BIRTH REGISTRATION AND CHILDREN'S RIGHTS

## A COMPLEX STORY

FULL REPORT

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# Executive Summary

## Introducing birth registration

Birth registration, “the continuous, permanent and universal recording within the civil registry, of the occurrence and characteristics of births in accordance with the legal requirements of a country,”<sup>1</sup> is a fundamental right of all children and a basic function of all modern governments. It comprises two elements: entering details of a child’s birth (in addition to other relevant information) into official government records, and issuing a ‘birth certificate’ to the child’s parents, including information on the date and place of birth, parents’ names, and further information such as nationality.<sup>2</sup> UNICEF describes birth registration as part of an effective civil registration system that acknowledges the person’s existence before the law, establishes family ties, and tracks the major events of an individual’s life, from birth to marriage and death.<sup>3</sup>

The right to birth registration is contained in the United Nations Convention on the Rights of the Child (CRC), which provides that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to a nationality.”<sup>4</sup> As well as being a ‘right’ in itself, birth registration has also been linked with a wide range of other rights and benefits, such as securing a child’s access to essential services and protecting children from abuse and exploitation. As part of a complete and accurate civil registration system, birth registration has also been linked to more effective child rights planning and governance, and, more broadly, to promoting social and economic growth.<sup>5</sup>

Given the extensive scope of the anticipated benefits of birth registration, there has been an increasing interest by development partners in implementing programmes on birth registration in countries with low rates of registration and a rapidly emerging body of literature written on the subject.<sup>6</sup> To date, however, most of the literature has focused on explaining and justifying the case for increased birth registration, or exploring barriers to implementing effective birth registration systems, and ensuring access to birth registration for vulnerable individuals. There remains a significant lack of available *empirical* research that explores the effects of birth registration and if and how it benefits children in practice.<sup>7</sup>

Recognising this gap in research, Plan International commissioned a four-country study investigating the benefits of birth registration. The purpose of this study was to investigate the benefits of birth registration for the individual (micro level) and for the state (macro level) to provide an improved evidence base to inform Plan’s future

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<sup>1</sup> UNICEF (2013) *A passport to protection: a guide to birth registration programming*, UNICEF, New York, p. 11.

<sup>2</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>3</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>4</sup> UNICEF (2013) *A passport to protection: a guide to birth registration programming*, UNICEF, New York, p. 11.

<sup>5</sup> The United Nations Convention on the Rights of the Child, Articles 7 and 8 [online] Available from: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed May 2014]

<sup>6</sup> UNICEF (2013) *A passport to protection: a guide to birth registration programming*, UNICEF, New York p. 11.

<sup>7</sup> Prior to child rights organisations’ becoming engaged on the topic of birth registration, the literature was focused on more technical components of civil registration.

<sup>8</sup> The Inter American Development Bank (IDB) has conducted research which found that children without a birth certificate receive an average of approximately two vaccinations less in their first year compared to children with a birth certificate: Brito, S. Corbacho, A. and Osorio, R. (2013) *Birth Registration: The Key to Social Inclusion in Latin America and the Caribbean*, Inter-American Development Bank, Washington.

programming and advocacy work.

## Objectives of the study

The first objective of the study was to examine the extent to which birth registration benefits individual children, through directly and indirectly facilitating the implementation of children's rights in three broad areas: child protection, provision of basic services (particularly health and education), and promoting economic security for youth.

The second research objective was to examine whether data collected through birth registration is used by governments for planning and other governance purposes. The research explored the extent to which governments use birth registration data, and whether the establishment of an effective birth registration system plays a key role in promoting 'good' (child rights) governance<sup>8</sup> and in enhancing social and economic growth.

## Research methodology

A mixed methodology was used for the research, including: a literature review of existing research concerning birth registration; a quantitative study of demographic and statistical data regarding birth registration and development; and the collection of primary qualitative data through 119 interviews and 41 focus group discussions with stakeholders in four Plan programme countries: India (Maharashtra and Uttar Pradesh States only), Kenya, Sierra Leone and Vietnam. Countries were selected to represent geographical diversity, as well as to capture contexts with different levels of birth registration, and different levels of economic and institutional development, as this was considered likely to have an impact on benefits associated with birth registration.

The quantitative element of the study used selected Demographic and Health Survey (DHS) data sets to carry out a multivariate analysis<sup>9</sup> to explore the relationship between birth registration and health indicators in India, Kenya and Sierra Leone. The DHS data provided large, representative samples: data on over 6,000 children from each country was included within the analysis. It was not possible to investigate the relationship between birth registration and education indicators using the DHS data because the DHS only collects birth registration status for children under the age of five for the countries included within the study. As an alternative, Plan International's sponsorship dataset was found to provide the most suitable data to explore this relationship, as it contains rare information on birth registration details of children old enough to attend school. A panel regression analysis, which tracks data over time, was carried out on this data. Plan's dataset also provided large samples for analysis, including data on 16,479 children for India; 16,788 children for Kenya and 4,786 children for Sierra Leone. The quantitative element of the

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<sup>8</sup> This follows the United Nations Office of the High Commissioner for Human Rights definition of good governance, which states that "good governance has been said at various times to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance." Available from: <http://www.ohchr.org/en/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx> [Accessed January 2014].

<sup>9</sup> This used Propensity Score Matching (PSM): a statistical technique that can estimate the effect of an intervention while accounting for multiple confounding covariates.



study did not extend to Vietnam, because rates of birth registration are above 90% and it was therefore not possible to capture the effects (to statistical significance) of birth registration through a comparison of children with and without birth registration.

Utilising a mixed methodology enabled researchers to draw on the strengths of both qualitative and quantitative methods, improving the validity of results and rendering the study of greater use for informing advocacy and programming interventions. The quantitative findings provide evidence on relationships between birth registration and a range of health and education indicators, which are predictive of more general trends. The qualitative findings provide insight into *why* and *how* these relationships are functioning in different contexts and what this does (and does not) demonstrate about the benefits of birth registration.

## Limitations

The research was faced with a number of limitations.

Due to time and resource constraints it was not possible to conduct the study in every Plan programme country. The four case study countries were selected to represent diversity so that the findings could apply more broadly to similar countries. This has been reflected in the production of a series of four ‘typology’ analyses which are available as appendices to this report. Nevertheless, some of the findings may not be generalised to other contexts.

During the qualitative research it was not possible to meet in person with central government personnel in Vietnam or federal government personnel in India, which limited the research findings in relation to investigating the benefits of birth registration for government. Written responses to questions were provided by some government departments in Vietnam. In India, researchers met with State-level government representatives responsible for managing and implementing birth registration.

The quantitative element of the study provides evidence on ‘associations’ or correlations between birth registration and a range of education and health indicators. However, the findings do not provide any insight into the ‘causal’ relationship between birth registration and these indicators as the data does not tell us which came first, i.e. it is just as likely that children’s access to services improves their chances of being birth registered as it is that being birth registered facilitates a child’s access to services. Furthermore, given the magnitude and complexity of the different factors that are likely to affect both a child’s access to registration and their access to services, it was not possible to adjust for all these factors within the analysis.

## Findings and analytic framework

Research findings are broken down into four sections, which connect to different potential ‘benefits’ of birth registration: legal identity; access to services; child protection; and governance. In each section the analysis first examines how birth registration can, or has been understood in the literature (bearing in mind the limited evidence) to facilitate each associated benefit. For ease of reference, this will be termed the ‘expected relationship’. This expected relationship is then considered in light of qualitative and quantitative findings from the four country case studies, to examine how birth registration is (or is not) functioning in practice.

## Conclusions and recommendations

Recommendations for birth registration programmes and advocacy have been formulated based on the findings. Three overarching conclusions and recommendations arising from the research are:

### A holistic and integrated approach to birth registration

The relationship between birth registration and access to other children's rights and services was found to be complex and context specific. It is important to recognise that birth registration is only one component of a governance and legal system that could protect and promote children's rights. Birth registration should not be implemented in isolation. Any birth registration initiatives should be integrated with other measures to fulfil children's rights, such as governance, protection, education and health care and should be part of a comprehensive civil registration and vital statistics (CRVS) system.

- **Adopt a holistic and integrated approach to children's rights when programming or advocating for birth registration.**

### Birth registration: a planning and policy issue

Birth registration was found to have the most potential value at the macro (systems) level. Birth registration is a fundamental children's right and should be part of an effective civil registration system. The research suggests that civil registration systems and vital statistics have the potential to be a public good for individuals, governments and the wider global community.

- **Consider advocating for investment in effective, comprehensive and rights-based Civil Registration and Vital Statistics systems.**

### Further research

This research was a pioneering study into the benefits of birth registration to the individual and the State. It has therefore raised a number of more in-depth questions and recommendations for further research. For example, evidence on the technical assistance needed for countries embarking on CRVS systems strengthening could be improved by a study on how such systems are used for policy planning, resource allocation and otherwise promoting provision of services in a country with an effective CRVS system.

- **Consider conducting further research into the effects of birth registration and if and how it can facilitate children's rights.**

# Chapter 1: Introduction

## 1.1. Study rationale

Birth registration, ‘the continuous, permanent and universal recording within the civil registry of the occurrence and characteristics of births in accordance with the legal requirements of a country,’<sup>10</sup> is a fundamental right of all children and a basic function of all modern governments. Birth registration plays various roles in the governance of different states, but often feeds into a more comprehensive civil registration system that is maintained by government as a source of information about the population. Birth registration comprises two elements: recording a child’s birth in official government records, and the issuing of a ‘birth certificate’, which includes details of the date and place of the child’s birth, the parents’ names, and sometimes further details, such as nationality.<sup>11</sup> UNICEF describes birth registration as part of an effective civil registration system that acknowledges the person’s existence before the law, establishes family ties, and tracks the major events of an individual’s life, from birth to marriage and death.<sup>12</sup>

The right to birth registration is a right guaranteed under article 7.1 of the United Nations Convention on the Rights of the Child (CRC) which provides that ‘the child shall be registered immediately after birth and shall have the right from birth to a name, the right to a nationality.’<sup>13</sup> This right has been reiterated in a range of international legal instruments, including the International Covenant on Civil and Political Rights and the African Charter on the Rights and Welfare of the Child amongst others.<sup>14</sup>

As well as being a ‘right’ in itself, birth registration has come to be linked to a wide range of other rights contained under the CRC that impact on the wellbeing of children; from increasing educational attainment, to protection against child labour, to promoting youth empowerment. Consider the following statements:

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<sup>10</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York. p.11.

<sup>11</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>12</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York. p.11.

<sup>13</sup> The United Nations Convention on the Rights of the Child, Articles 7 and 8 [online] Available from: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed May 2014].

<sup>14</sup> Universal Declaration of Human Rights (1948), Article 15: ‘Everyone has the right to a nationality.’ Convention on the Reduction of Statelessness (1961), Article 1: ‘A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless.’ American Convention on Human Rights (1969), Article 20: ‘Every person has the right to the nationality of the State in whose territory he was born if he does not have the right to any other nationality.’ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), Article 9: women shall be granted ‘equal rights with men with respect to the nationality of their children.’ African Charter on the Rights and Welfare of the Child (1990), Article 6: ‘Every child shall have the right from his birth to a name ... shall be registered immediately after birth ... has the right to acquire a nationality.’ International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990), Article 29: ‘Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.’ European Convention on Nationality (1997), Article 6: ‘Each State Party shall provide in its internal law for its nationality to be acquired ex lege by ... foundlings found on its territory who would otherwise be stateless ... [and] for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality.’ The UN General Assembly has also made statements about the importance of birth registration, and urged States to strengthen their efforts to register all children in Resolution A/RES/63/241, of March, 2009.

Birth registration, the official recording of a child's birth by the government, establishes the existence of the child under law and provides the foundation for safeguarding many of the child's civil, political, economic, social and cultural rights.

Apart from being the first legal acknowledgement of a child's existence, birth registration is central to ensuring that children are counted and have access to basic services such as health, social security and education.

- UNICEF<sup>15</sup>

Registration entitles a child to their rights and bestows the responsibility for that child, throughout his or her life, on the state in which they are born. In many countries, proof of identity is essential to gaining access to basic services and to exercising their fundamental human rights. Without a birth certificate a child may not be able to sit for school exams, receive immunisations or free health care or claim rights to inheritance or legal protection in courts of law.

Proof of age is critical in successfully prosecuting perpetrators of crimes against children such as child trafficking, sexual offences, early recruitment into the armed forces, child marriage and child labour.

- Plan International, Count Every Child (2009)

Given the wide scope of the anticipated benefits of registration, recent years have seen an increasing interest in promoting registration of births in countries with currently low rates. Furthermore, the growing consensus on the importance of birth registration as a tool for promoting children's rights and development has led to an increasing body of literature on the subject.<sup>16</sup>

To date, much of the literature on birth registration has focused on explaining and justifying the case for increased registration, and its relationship to various associated rights and benefits (for example, legal identity,<sup>17</sup> access to services,<sup>18</sup> child protection),<sup>19</sup> or exploring barriers to implementing effective birth registration systems, and ensuring access to birth registration for vulnerable individuals, especially in low and middle income countries.<sup>20</sup>

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<sup>15</sup> UNICEF (2014) *Birth Registration* [online] Available from: [http://www.unicef.org/protection/57929\\_58010.html](http://www.unicef.org/protection/57929_58010.html) [Accessed January 2014].

<sup>16</sup> Prior to the engagement of child rights organisations on the topic of birth registration, the literature was focused on more technical components of civil registration.

<sup>17</sup>e.g. Harbitz, M and Boekle-Giuffrida, B. (2009) *Democratic Governance, Citizenship, and Legal Identity: Linking Theoretical Discussion and Operational Reality*, Inter-American Development Bank Working Paper, Washington, USA.

<sup>18</sup>e.g. Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>19</sup>e.g. A 2007 UNICEF study on birth registration linked lack of documentation to illegal smuggling and trafficking, and found that children caught up in conflict contexts without legal proof of age, and who come into conflict with the law, could be at risk of being charged with crimes of genocide and deprived of their liberty (UNICEF (2007) *Birth Registration and Armed Conflict*, UNICEF Innocenti Research Centre, Florence, Italy, p.9).

<sup>20</sup>e.g. UNICEF (2005) *The 'Rights' Start to Life: A Statistical Analysis of Birth Registration*, UNICEF, New York; Corbacho, A and Osario Rivas, R (2012) *Travelling the Distance: A GPS-Based study of the Access to Birth Registration Services in Latin America and the Caribbean*, Inter-American Development Bank;

Nevertheless, there is a significant gap in the literature of empirical research that explores if and how birth registration actually benefits children and youth: the *effect* of birth registration. This gap has been noted by UNICEF's 'Birth Registration: Right from the Start' paper, which reported that 'the exact linkages of cause and effect between the impact of birth registration and all these issues require much more research.'<sup>21</sup> This requires a shift from focussing on the impact of 'lack of registration' to focusing on the effectiveness of birth registration to uphold rights after registration has occurred.

Plan is one of the first organisations to pioneer research in this area. In their ongoing cohort study *Real Choices, Real lives* (which follows a cohort of girls born during 2006 in nine countries) Plan have included a study on the use and value of birth certificates, however, the research is limited in scope in relation to birth registration and only includes a small sample<sup>22</sup>. One of the only publically available studies (accessed at the time of the research) that has sought to comprehensively explore the impact and value of legal identity (including birth registration) through extensive empirical research is the 2007 Asian Development Bank's (ADB) study 'Legal Identity for Inclusive Development'. The ADB publication concludes that the relationship between legal identity and associated benefits is more 'complex and challenging than a conceptual approach suggests',<sup>23</sup> and that 'the impact of legal identity, *at least for the most vulnerable communities*, often remains speculative and remote.'<sup>24</sup>

In order to contribute to the evidence base on the benefits of birth registration, in June 2013, Plan International commissioned this multi-country study investigating the benefits of birth registration, the purpose of which is to provide an improved evidence base to inform future programming and advocacy work on birth registration.

## 1.2. Research objectives

The first objective of the study was to examine the extent to which birth registration benefits individual children, through directly and indirectly facilitating the implementation of children's rights in three broad areas: child protection, provision of basic services (particularly health and education) and ensuring economic security amongst youth (**research objective 1**).

The second research objective (**research objective 2**) was to examine whether data collected through birth registration is used by governments for planning and other governance purposes. In so doing, the research explored the extent to which governments use birth registration data, and whether the establishment of an effective birth registration system plays a key role in promoting 'good' child rights governance<sup>25</sup> and enhancing social and economic growth.

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Plan International (2012) *Mother to Child: How Discrimination Prevents Women Registering the Birth of their Child*, Plan Ltd.

<sup>21</sup> UNICEF (2002) *Birth Registration: Right from the Start* [online] Innocenti Digest No. 9, Innocenti Research Centre, Florence, Italy. Available from: [http://www.childinfo.org/files/birthregistration\\_Digestenglish.pdf](http://www.childinfo.org/files/birthregistration_Digestenglish.pdf) [Accessed January 2014].

<sup>22</sup> Countries included in the cohort study are: Benin, Togo, Uganda, Cambodia, Philippines, Vietnam, Brazil, Dominican Republic, El Salvador. Plan International (2012) *Because we are Girls: Hopes and Dreams* [online] Available from: <https://becauseiamagirl.ca/document.doc?id=299> [Accessed January 2014].

<sup>23</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p. vii.

<sup>24</sup> Ibid, p.xiv.

<sup>25</sup> This follows the UNHCR (United Nations Office of the High Commissioner for Human Rights) definition of good governance, which states that "good governance has been said at various times to encompass: full respect of human rights, the rule of law,

### 1.3. Key research questions

In order to determine the benefits of birth registration to the individual (objective 1), and the benefits of registration to the state (objective 2), the research explored the following key questions:

- 1) Which child rights are facilitated by birth registration, both directly and indirectly, in relation to a) the provision of basic services and b) protection?
- 2) How does birth registration help facilitate the benefits and safeguards connected to these child rights in relation to 1) the provision of basic services and 2) protection?
- 3) Does birth registration facilitate benefits and opportunities which contribute to economic security for youth? If so, what are these benefits and opportunities and how does birth registration facilitate them?
- 4) Once birth registration is complete, are there any factors which impede the ability of children and youth to access the benefits, opportunities and safeguards associated with it? If so, what are they?
- 5) Do governments use statistical data from birth registration for development planning and governance purposes? If so:
  - i. How is it being used to better realise child rights?
  - ii. How is it being used to monitor important development indicators?
  - iii. How does it contribute to a country's social and economic growth?

These research questions informed the development of the methodology for the research which is outlined in Chapter 2 below.

### 1.4. Structure of the report and analytical framework

This report contains an analysis of **qualitative** data from 498 participants (including 129 interviews and 41 focus group discussions) collected during field studies between July 2013 and September 2013 in four country case studies: India (Maharashtra and Uttar Pradesh States), Kenya, Sierra Leone and Vietnam. It also considers the findings of a **quantitative** element to the study exploring the relationship between birth registration and several key health and education indicators, using data drawn from the Demographic and Health Survey (DHS), and Plan's child sponsorship dataset. At the beginning of the research, a **literature review** was undertaken, the findings of which are integrated into the various chapters of the report, in order to provide context to the presentation of the

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effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance." Available from: <http://www.ohchr.org/en/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx> [Accessed January 2014].



primary qualitative and quantitative data and analysis. Details regarding country selection and research methodology can be found in the methodology section of the report (Chapter 2).

The research findings have been broken down into four sections which connect to different potential benefits of birth registration outlined at the start of the study. These four sections comprise Chapters 4 – 7 of the report:

- Chapter 4 explores the relationship between birth registration and legal identity;
- Chapter 5 explores the relationship between birth registration and access to services;
- Chapter 6 explores the relationship between birth registration and child protection;
- Chapter 7 explores the relationship between birth registration and government planning.

In each chapter researchers first examine how birth registration *can* or has typically *been understood* to fulfil each associated benefit (legal identity, access to services, child protection, government planning), within current literature and commentary from INGOs, UN agencies, child rights commentators and the UN Committee on the Rights of the Child. This has been termed the ‘expected relationship’ between birth registration and an associated benefit. Researchers then analyse data gathered during the course of the research to determine whether and how this *expected* relationship is functioning in *practice* in the four country case studies.

As the research was designed to produce action oriented recommendations for Plan’s external positioning, local advocacy and local programming on (and relating to) birth registration, the report considers the data in the light of Plan’s approach to providing development assistance, including their ‘Child Centred Community Development’ (CCCD) approach<sup>26</sup> and their work on birth registration.

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<sup>26</sup> Child Centred Community Development (CCCD) is Plan International’s Child Rights approach, in which children, families and communities are active and leading participants in their own development. This approach recognises the intrinsic link between poverty and rights, where poverty is both a cause and consequence of the denial of rights. Zuurmond, I. (ed) (2010) *Promoting child rights to end child poverty*, Woking, Plan

## Chapter 2: Methodology

### 2.1 A mixed methodology

The research for this study comprised a mixed methodology, including: a literature review (of existing research concerning birth registration); a **quantitative study** of demographic and statistical data regarding birth registration and development; and the collection of **primary qualitative** data through interviews and focus group discussions with stakeholders in four Plan programme countries: Kenya, Sierra Leone, Vietnam and the states of Maharashtra and Uttar Pradesh in India. Further details of these methods are outlined below.

A team of academic experts affiliated with the International Observatory on Statelessness (IOS) and Kingston University (London) carried out the quantitative element of the research. The qualitative field research was undertaken by researchers from the Coram Children's Legal Centre (CCLC), who are the primary authors of this report.

A mixed methods research strategy was chosen for this research to draw on the strengths of both qualitative and quantitative methods, in order to improve the validity of results, and render the study of greater use for informing advocacy and programming interventions. The quantitative findings provide evidence on relationships between birth registration and a range of health and education indicators, predictive of more general trends. Given the exploratory nature of this study, qualitative research was then conducted to explore and explain the processes and mechanisms behind these relationships. The qualitative findings provide insight into *why* and *how* these relationships are functioning in different contexts and what this does (and does not) demonstrate about the benefits of birth registration.

### 2.2 Literature review

Researchers began with a thorough desk review of existing research related to birth registration. The review provided a summary of international laws and standards concerning birth registration; and explored the main categories of 'benefits' associated with birth registration emerging from existing literature relevant to the research questions. The literature review identified gaps in research, and reflected on how the research questions in this study could fill those gaps. The literature review informed the development of the country methodologies, and other aspects of the design of the research, such as the development of data collection tools. Information from the literature review is incorporated in the analysis throughout the report.

In December 2013 UNICEF released a new publication on birth registration 'A passport to protection: a guide to birth registration programming.' This was not included in the original literature review, as it was published after the review was carried out. Nevertheless, the publication has subsequently been reviewed and content from the guide has been referenced alongside interpretation of findings.

## 2.3 Case study selection

Each country case study included a general exploration of topics related to *all* research questions, whilst also being selected to inquire *in-depth* into a particular element of the study (for example, given high rates of child marriage and child labour in India, this case study explored the relationship between birth registration and child protection in depth). It was deemed relevant to consider choosing countries with different levels of economic and institutional development, as these structural factors were considered likely to shape and define the benefits associated with birth registration in different contexts.

Countries with different rates of birth registration were selected in order to explore the effect of birth registration in the context of systemised, high registration and in the context of low registration, where birth registration systems are largely underdeveloped. Birth registration levels were also a consideration for the quantitative element of the research, as it was necessary to select countries with a relatively balanced proportion of children both with and without birth registration, in order to conduct a comparative analysis of the two groups (registered and unregistered children) to statistical significance.<sup>27</sup> Furthermore, in order for statistical analysis to be possible, researchers selected countries where (relatively) up-to-date, nationally representative, data on birth registration and other child rights indicators was publically available.

### 2.3.1 India

As noted above, in addition to exploring all research questions, the India case study was selected to explore in depth the relationship between birth registration and child protection; the hypothesis being that laws and policies designed to protect children become enforceable in cases where a child is able to legally establish his/her age and identity through possession of a birth certificate. The qualitative research team explored this relationship through concentrating on three central issues: the role of birth registration in protecting children against early marriage; the role of birth registration in protecting children against exploitative labour; and the relationship between birth registration, child rights and governance more broadly.

Rates of child marriage and child labour are relatively high in India which rendered it a suitable country to explore different contexts surrounding child marriage and child labour, and the role (if any) that birth registration might be playing in the prevention and redress of these forms of abuse (research objective 1). Researchers were also interested to explore issues pertaining to research objective 2 (the relationship between birth registration, statistical data and development planning) given that the Government in India is currently seeking to promote, expand and digitalise its civil registration system.

Due to India's vast diversity, two different states were selected (Maharashtra and Uttar Pradesh), one with high registration rates (in the South), and one with low registration rates (in the North), to explore any difference in levels of child marriage and child labour and how these might relate to either high or low rates of birth registration. Plan India has programme operations in both of these States, and they facilitated the field research.

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<sup>27</sup> No statistical analysis could be conducted in contexts where the birth registration rate was lower than 10% or above 90%, which indicates why a quantitative study could not be undertaken in relation to Vietnam which has a high registration rate (explained more fully in subsequent paragraphs).

India provided a context where recent data was available, and sufficiently detailed, to enable quantitative analysis to be carried out to identify correlations between birth registration and other key (child-focused) development indicators. Data collected in 2005-2006 found that India's birth registration rate was around 41 percent<sup>28</sup> allowing for a multivariate analysis comparing health and education outcomes for children *with* birth registration, to those *without* birth registration.<sup>29</sup>

### 2.3.2 Kenya

In addition to exploring all research questions, Kenya was selected as a case study to explore in depth the relationship between birth registration and access to services such as health and education; the hypothesis being that where a child possesses a birth certificate this can improve their opportunities for being able to access vital services such as healthcare and education.

The birth registration rate in Kenya is 60 percent,<sup>30</sup> rendering it an ideal context in which to examine the impact of birth registration through a comparative analysis of different populations and geographical areas in which there are particularly high registration rates, compared to those where registration rates are closer to the national average. Furthermore, data from Kenya indicates that educational access is not universal, and can be considered quite low at the secondary level,<sup>31</sup> potentially enabling an inquiry into causal links between (lack of) birth registration and (lack of) educational access. Finally, Plan has undertaken intensive birth registration programmes in particular districts in Kenya (e.g. the Universal Birth Registration Programme in Kwale<sup>32</sup>) which provided an opportunity to explore how a rapid increase in registration through NGO programming interventions might be facilitating children's rights.

The qualitative research team explored the extent to which possession of a birth certificate facilitates an individual child's ability to access services (education, health and other social welfare services) as well as the extent to which the Government is using birth registration data for the creation of evidence-based policies to enable effective allocation and targeting of resources, and managing the operation and delivery of services.

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<sup>28</sup> DHS Programme *India: Standard DHS 2005-2006* [online] Available from: <http://dhsprogram.com/what-we-do/survey/survey-display-264.cfm> [Accessed January 2014].

<sup>29</sup> Whilst 2005-2006 was the most recent data on birth registration available for analysis from DHS/MICS at the time of this research, it is worth noting that an estimate from the Office of the Registrar General of India indicated that it was 62.5% in 2005 and 82% in 2012 (Office of the Registrar General (2010) *Vital Statistics of India* [online] Available from: [http://www.censusindia.gov.in/2011-Documents/CRS\\_Report/CRS\\_Report\\_2010.pdf](http://www.censusindia.gov.in/2011-Documents/CRS_Report/CRS_Report_2010.pdf) [Accessed May 2014].

<sup>30</sup> DHS Programme *Kenya: Standard DHS 2008/2009* [online] Available from: <http://www.measuredhs.com/what-we-do/survey/survey-display-347.cfm> [Accessed January 2014].

<sup>31</sup> According to the United Nations Education, Scientific and Cultural Organisation (UNESCO), in 2009, 16% of children of compulsory school age were not in school. In 2010, the net enrollment ratio in primary schools was 76% and in secondary schools was 40%. UNESCO (n.d.) *Education profile: Kenya* [online] Available from: [http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF\\_Language=en&BR\\_Country=4040](http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF_Language=en&BR_Country=4040) [Accessed May 2014].

<sup>32</sup> Plan International (n.d.) *Boosting birth registration rates in Kenya* [online] Available from: <https://plan-international.org/what-we-do/protection/boosting-birth-registration-in-kenya/> [Accessed January 2014].

Like India, Kenya provided a context where recent quantitative data was available, and sufficiently detailed, to enable multivariate analysis to be carried out to identify correlations between birth registration and key (child-focused) development indicators around health and education.

### 2.3.3 Sierra Leone

In addition to exploring all research questions, the Sierra Leone case study aimed to explore in depth how birth registration impacts on communities' understanding of childhood and child rights, and if and how this is benefiting children. This was deemed particularly relevant with regards to determining the impact of birth registration at the individual level, particularly in the area of child protection and access to basic services.

Sierra Leone was considered an interesting context in which to explore the shifting norms and understandings of childhood and rights, as existing research has indicated that the introduction of 'child rights' has proven culturally difficult in some communities, and rates of early marriage, child labour, and other forms of child abuse are high.<sup>33</sup>

Birth registration is around 78 percent<sup>34</sup> in Sierra Leone, which meant that suitable quantitative data was available, and sufficiently detailed, to enable multivariate analysis to be carried out to identify correlations between birth registration and key (child-focused) development indicators around health and education.

### 2.3.4 Vietnam

In addition to exploring all research questions, the Vietnam case study aimed to provide an in depth analysis of the use of birth registration by government and to explore the impact of birth registration on marginalised populations; this involved an exploration of the impact of birth registration on the vulnerability of internal/ informal migrants.

Vietnam was selected as a context in which to explore how governments use birth registration data in a high registration country. Vietnam has a birth registration rate of 95 percent.<sup>35</sup> This indicates that the government in Vietnam has made birth registration a priority. Furthermore, complete/'universal' birth registration data is generally viewed as being particularly useful for government planning by enabling governments to plan services according to accurate knowledge of the population.

The approaching universal birth registration rate in Vietnam also made it a suitable context to explore the effects of non-registration on particularly marginalised groups and populations. The literature review identified previous research conducted in Vietnam which concluded that the tightly managed civil registration system which is closely

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<sup>33</sup> Human Rights Watch (2011) *World Report 2011: Sierra Leone* [online] Available from: [http://www.hrw.org/sites/default/files/related\\_material/sierra%20leone.pdf](http://www.hrw.org/sites/default/files/related_material/sierra%20leone.pdf) [Accessed January 2013].

<sup>34</sup> UNICEF (2013) *At a glance: Sierra Leone statistics* [online] Available from: [http://www.unicef.org/infobycountry/sierraleone\\_statistics.html](http://www.unicef.org/infobycountry/sierraleone_statistics.html) [Accessed January 2014].

<sup>35</sup> According to MICS 2011, the most recent data on birth registration in Vietnam. Child Info (n.d.) *Statistics by area: child protection* [online] Available from: [http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014].

linked to the delivery of social services (health, education, social benefits etc.), exposed non- registered individuals (including children) from (internal) migrant families to ‘multiple institutionalised vulnerabilities and risks’.<sup>36</sup>

Data for Vietnam was not suitable for quantitative analysis. This is because rates of birth registration in Vietnam are above 90 percent, which meant that it was not possible to capture the effects (to statistical significance) of birth registration through a comparison of children with and without birth registration. Nevertheless, Vietnam was selected as a country case study for qualitative research for the reasons outlined above.

## 2.4 Qualitative research methodology

### 2.4.1 Qualitative data collection

Qualitative data collection methods included conducting a total of 119 individual semi-structured interviews and 41 focus group discussions with key stakeholders, including: those involved in the birth registration system and child rights governance and legal structures; service delivery practitioners; NGO representatives; and children, youth and their families. ‘Topic guides’ (for focus groups) and ‘question schedules’ (for interviews) were designed for this purpose.

Semi-structured individual interviews allowed researchers to examine individual lived experiences and personal ideas, stories and case studies. Interviews were designed to encourage responsive and participatory involvement by respondents, while also ensuring a level of standardisation in the collection of data. They allowed researchers to link demographic characteristics to particular experiences related to birth registration, access to services, economic empowerment opportunities, and protection of rights. Interviews were important for exploring the causality of relationships between birth registration and child rights outcomes which were demonstrated through the quantitative element of the research. They were also useful for gaining an understanding of the way laws and policies function in practice from the perspective of government staff, practitioners and communities.

Group discussions, on the other hand, permitted the collection of more general data. Participants in group situations were able to respond to each other’s opinions, to share, build upon and clarify each other’s ideas, often resulting in the collection of richer and (potentially) more accurate data. Researchers were able to observe nuances in participants’ responses and behaviour during focus groups, such that information gathered appeared sometimes of a more natural and spontaneous nature, compared to that gathered during interviews. Each focus group contained between 8-12 participants on average.

A total of 12 focus group discussions and 36 individual interviews were conducted in **Sierra Leone**, in urban, peri-urban and rural locations in Freetown and Port Loco. The following groups of stakeholders were represented: children, youth and caregivers; government officials (including the Ministry of Education, Science and Technology, The Ministry of Justice, Statistics Sierra Leone, The Ministry of Labour, The Ministry of Labour, The Ministry of

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<sup>36</sup> Le Bach Duong, Tran GiangLinh, Nguyen Thao (2011) *Social protection for rural-urban migrants in Vietnam: current situation, challenges and opportunities* [online] CSP Research. Available from: <http://www.ids.ac.uk/publication/social-protection-for-rural-urban-migrants-in-vietnam-current-situation-challenges-and-opportunities> [Accessed January 2014].



Social Welfare, Gender and Children's Affairs, and the Ministry of Health and Sanitation); practitioners including teachers and health workers; community elders, and persons responsible for traditional rites and ceremonies.

A total of 8 focus group discussions and 38 individual interviews were conducted in **India**, in rural and urban locations across two states (Maharashtra and Uttar Pradesh). The following groups of stakeholders were represented: children, youth and parents; state government officials (social welfare, planning, statistics and birth registration officials); NGOs working on child rights issues; factory managers and HR personnel; factory workers; former child labourers; domestic workers; former child brides; marriage officiants; practitioners including teachers; health workers; and officials at juvenile courts.

A total of 16 focus group discussions and 30 individual interviews were conducted in **Kenya**, in urban, peri-urban and rural locations in Nairobi and Kwale. The following groups of stakeholders were represented: children, youth and caregivers; government officials (including the Civil Registrar and Immigration Department, the Attorney General's Office, the Ministry of Finance, the Ministry of Health and the Ministry of Education); birth registrar officials, and practitioners including teachers and health workers.

A total of 5 focus group discussions and 25 individual interviews were conducted in **Vietnam**, in urban and rural locations in Hanoi and Phu Tho provinces. Interviews with government were conducted at the Provincial, District and Commune level, including representatives from the departments of: Education; Health; Labour, Invalids and Social Affairs; and Justice (who are responsible for implementing birth registration). At the national level researchers spoke with the Ministry of Labour, Invalids and Social Affairs in person, and obtained responses to written questionnaires from the Ministries of Health and Justice. Researchers also conducted interviews and focus group discussions with children, youth and their parents/ caregivers, including those who were internal migrants.

In Kenya, Sierra Leone and Vietnam, the selection of participants and facilitation of access, permissions and prior consent of respondents were ensured by the respective Plan Country Offices. Researchers also obtained verbal consent from each respondent at the point of each interview and/or focus group discussion. In India, respondent selection was carried out by an independent research group: Nielson, with operational support from the Plan India office.

## **2.4.2 Ethical considerations**

An ethical review of the methodology and tools was carried out for each individual case study. This review was approved by the CORAM Ethics Board on 30<sup>th</sup> July 2013.

### ***Selection of Researchers***

Researchers involved in data collection had considerable knowledge and experience in carrying out research with children, young people and professionals. All Researchers were criminal-record checked prior to the research.

### ***Do no harm and best interests of the child***

The welfare and best interests of the participants were the primary consideration in methodology design and data collection. All research was guided by the UN Convention on the Rights of the Child, in particular Article 3.1 which

states: 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts or legislative bodies, the best interests of the child shall be a primary consideration.'

Particular care was taken to ensure that questions were asked sensitively and in a child-friendly manner appropriate to the age, gender, ethnicity and social background of the participants. Researchers were aware of the need to stop an interview or focus group in the case that it was having a negative effect on the participant; and procedures to follow in case of disclosure of abuse.

### ***Data collection must be necessary***

It was important to ensure that unnecessary intrusion into the lives of participants was avoided. Researchers ensured that the data being collected was necessary to address the research questions specific to the project. Data collection for extraneous purposes was avoided.

### ***Researchers must not raise participants' expectations***

Researchers carefully explained the nature and purpose of the study to participants, and the role that the data would play in the research project. Participants were also informed that the purpose of the Researcher's visit was not to offer any direct assistance. This was necessary to avoid raising expectations of participants that the Researcher would be unable to meet.

### ***Ensuring cultural appropriateness***

Researchers were careful to ensure that data collection methods and tools were culturally appropriate to the context in each country. Data collection tools were reviewed by the country offices, before being used.

### ***Voluntary participation***

Researchers were careful to ensure that participation in research was on a voluntary basis. Researchers explained to participants in clear, age-appropriate language that they were not required to participate in the study, and that they could stop participating in the research at any time. Researchers explained that refusal to participate in the study would not result in any negative consequences.

### ***Informed consent***

At the start of all interviews and focus groups, research participants were informed of the purpose and nature of the study, their contribution, and how the data collected from them would be used in the study. Researchers requested the verbal consent of all the participants to conduct research. Special care was taken to ensure that children gave informed consent. All participants were informed of their rights to anonymity and confidentiality throughout the research process.

### ***Anonymity and confidentiality***

Ensuring confidentiality and anonymity was of the upmost importance. The identity of all research participants was kept confidential throughout the process of data collection as well as in the analysis and writing up study findings. The following measures were used to ensure anonymity:

- One-to-one interviews took place in a secure, private location (such as a separate room or corner or outside space) which ensured that the participant's answers were not overheard;

- Researchers did not record the name of participants, and ensured that names were not included on any documents related to the research.
- Research findings are generally presented in the report in such a way so as to ensure that individuals cannot be identified. Coram Children's Legal Centre (CCLC) obtained informed consent from all research participants: any queries in this regard should be directed to them.

## 2.5 Quantitative research methodology

The quantitative component of this research aimed to answer part (a) of research question one:

Which child rights are facilitated by birth registration, both directly and indirectly, in relation to a) the provision of basic services and b) protection?

In particular, the quantitative analysis investigated the relationship between birth registration and access to health and education services. As discussed in the sections below, this was done through the analysis of data from the Demographic and Health Survey (DHS) and Plan International's sponsorship dataset. Unfortunately, these datasets did not allow the quantitative investigation of the relationship between birth registration and child protection, therefore this fell beyond the scope of this study.

### 2.5.1 Analysis of DHS data

Promising data sources and areas for further quantitative investigation were identified within a broad macro analysis of available data on birth registration.<sup>37</sup> This revealed that there are only a limited number of publicly available sources of data that capture birth registration information and at the same time permit cross tabulation of that information against children's health and education outcomes. Most comprehensive among these for the purposes of this research, are the Demographic and Health Survey (DHS) and Multiple Indicator Cluster Survey (MICS). These are nationally representative household surveys that provide data for a wide range of monitoring and impact evaluation indicators in the areas of population, health, and nutrition. The fifth wave of the DHS was found to be most suitable for this analysis as it provided the most recent data for the case study countries.<sup>38</sup> MICS data was also considered, however, the most recent surveys did not cover our sample in full.<sup>39</sup>

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<sup>37</sup> UNICEF has gathered and made available recent data on birth registration, available from [www.childinfo.org](http://www.childinfo.org) [accessed May 2014]. In addition, UNICEF's *State of the World's Children* provides statistics on birth registration, from earlier years, available from <http://www.unicef.org/sowc/> [accessed May 2014].

<sup>38</sup> This included: India DHS-V, conducted in the 2005/06 period; Kenya DHS-V, conducted in the 2008/09 period; Sierra Leone DHS-V, conducted in the 2008/9 period.

<sup>39</sup> MICS 4 (2009-2011) did not include India and only included parts of Kenya (which was not publically available for analysis at the time of the research). However, data was collected in Sierra Leone in 2010. This was analysed alongside DHS data for Sierra Leone and confirmed the results of this analysis. Results are not reported here, however they are available within a more detailed report on the quantitative analysis for this research (available on request).

Initial data analysis also revealed that correlations between birth registration and health, in particular, child weight and immunisation levels, were the most salient relationships for further investigation within the DHS data when considering the objectives of this research. Therefore, this formed the basis of further analysis.

Multivariate analysis was used to predict the outcome of birth registration on the following health indicators:

### **i. Childhood vaccinations**

The DHS provide detailed information on vaccinations received by children of all the women interviewed. Mothers are asked whether their child has received nine vaccinations:

- one vaccination against tuberculosis (referred to as BCG)
- four oral polio vaccinations (Polio 0, 1, 2, 3)
- three vaccinations against diphtheria, pertussis, and tetanus (DPT 1, 2, 3)
- one vaccination against measles

All vaccinations are supposed to be given at birth or within three months after birth, except for the measles vaccination, which is usually recommended at nine months to one year. Analysis looked at the relationship between birth registration and each of the nine childhood vaccinations.

### **ii. Treatment of diarrhoeal disease**

The DHS collects data on how children are treated for diarrhoeal disease. This is recorded according to three treatments:

- Recommended home solutions
- Oral rehydration
- Antibiotic pills or syrups

Consultation with epidemiological experts from Kingston University (London) found that of these interventions, recommended home solutions are the best treatment for diarrhoeal disease and oral rehydration is good practice. Conversely, giving antibiotics is often considered counterproductive and may weaken the immune system of children. Analysis looked at the relationship between birth registration and each of the treatments for diarrhoeal disease in order to explore whether birth registration might contribute to improved health management indicated by treatment of diarrhoeal disease, which is a major source of child morbidity.<sup>40</sup>

### **iii. Nutrition**

The DHS collects a range of data related to child nutrition. Analysis looked at the relationship between birth registration and:

- Months of breastfeeding for each child
- Stunting
- Comparisons of children's weight and wasting

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<sup>40</sup> Child Health and Epidemiology Reference Group [online] [http://cherp.org/projects/underlying\\_causes.html](http://cherp.org/projects/underlying_causes.html) [Accessed May 2014].

The DHS data was analysed using STATA, a powerful data analysis and statistical software programme.<sup>41</sup> Outcomes for the health-related variables presented above were compared for children with birth registration and those without birth registration and tested for statistical significance. As results could be contaminated by the effects of other explanatory variables (for example, socio-economic status), Propensity Score Matching<sup>42</sup> (PSM) was used to reduce such potential biases. This statistical technique involves identifying a set of variables that are correlated with health outcomes and birth registration, and could therefore explain any associations between birth registration and such health outcomes: these are referred to as ‘covariates.’ Over 50 variables available in the DHS dataset were tested for ‘covariance’ in each country. The covariates used for matching changed according to the outcome variables (i.e. vaccinations / treatment of diarrhoeal disease / nutrition). Table 1 shows the overall covariates identified for each case study country.

**Table 1: Covariates; birth registration and health outcomes (source: DHS-V)**

India	Kenya	Sierra Leone
<ul style="list-style-type: none"> <li>- Number of children below the age of 5</li> <li>- Type of place of residence (urban/rural)</li> <li>- Type of toilet facility</li> <li>- Main roof material</li> <li>- Age of head of household</li> <li>- Type of cooking fuel</li> <li>- Where household members go for treatment when sick</li> <li>- Household head's religion</li> <li>- Has pressure cooker</li> <li>- House type</li> <li>- Household structure</li> </ul>	<ul style="list-style-type: none"> <li>- Whether the child lives in an urban or rural area</li> <li>- Highest education level of mother</li> <li>- Religion</li> <li>- Sex of the child</li> <li>- Ethnicity</li> <li>- Wealth of the household (categorical variable with 5 categories)</li> <li>- Region</li> </ul>	<ul style="list-style-type: none"> <li>- Number of children below the age of 5</li> <li>- Type of toilet facility</li> <li>- Number of eligible (unmarried) men in household</li> <li>- Person fetching water</li> <li>- Food cooked in the house / in separate building / outdoor</li> <li>- Region</li> </ul>

PSM was then used to match pairs of children on all variables apart from their birth registration status: the aim of this process was to make sure that each child with birth registration has a matching child in a control group without birth registration. This enabled the research team to single out the effects of birth registration on health outcomes as far as possible. Both unmatched and matched results are reported within the data tables in Appendix C. The

<sup>41</sup> DHS data, when presented in STATA format, is provided in seven files. The research team merged three of these files during the data preparation stage for each country. This decision was based on a realisation that together these files provide essential information, which should be read together. For example files 1 and 2 (‘births recode’ and ‘children’s recode’ respectively) in combination provide detailed information on child health which is recorded for *all* children. File 3 (‘household member recode’) contains the most important variable for this study, namely, birth registration data. Therefore, these three files were brought together into one to reduce any unnecessary multiplication of variables that would be produced during the multivariate analysis.

<sup>42</sup> Rosenbaum and Rubin (1983) recommend Propensity Score Matching (PSM) as a method to reduce bias in the estimation of treatment effects. STATA module PSMATCH2 by Leuven and Sianesi (2003) was used for the PSM related work here. The module offers several alternative matching strategies three of which are used within the analysis: (1) nearest neighbour matching, (2) nearest neighbour matching with calliper, (3) kernel matching. The team produced graphs for each of these three methods and used the most appropriate based on this diagnosis.

matched results provide the most reliable results and therefore presentation of the findings has been based on these results.<sup>43</sup>

### 2.5.2 Analysis of Plan’s sponsorship dataset

Both DHS and MICS only collect data on the birth registration status of children in the 0-5 age group for the countries under consideration within this research. This limited any analysis using the variable on birth registration status to this group of children. As children aged 0-5 are not commonly enrolled in formal education, it was unfortunately not possible to examine the relationship between birth registration and education using the DHS or MICS data. For this reason, other potential data sources were explored in order to study this relationship. Upon investigation, no publicly available data sources could be found for this purpose for the countries that are the focus of this study. Though not publicly available, Plan’s sponsorship dataset was found to provide the most suitable, if not the only, data for a study of this nature.

#### **Plans sponsorship dataset**

This dataset originates from Plan’s sponsorship role: children in developing countries are sponsored by donors who live in countries where Plan has national offices, such as the United States, Canada, Japan, the United Kingdom, Germany, and the Netherlands among many other places. Plan annually collects data on the development of each sponsored child in order to update the sponsors about the child’s life and living conditions, and how the donated funds are spent in the community. It includes variables relating to: location, gender, health, education, disability, birth registration, water and sanitation, and housing to name a few. Currently the database holds information on more than 1.4 million children with data for the last six years. As well as updating sponsors, the dataset represents an extremely useful source of information to help Plan in evidence-based decision-making. It has already been used in a number of ways, primarily for reporting and for monitoring and evaluation initiatives.

Plan’s sponsorship data is collected in the local language by frontline staff and volunteers using paper questionnaires. Interviews are conducted with the caregiver of a sponsored child. Before the start of an interview, consent is sought in order to use the data to inform programming, and for sponsorship and fundraising activities. The volunteers and staff are trained in data collection methods and provided with guidelines set out in Plan’s *Sponsorship Booklet*.<sup>44</sup> Once collected, the data is entered into Plan’s purpose-built database, ChildData, which operates on a code system. There are restrictions on which staff may access ChildData – they are specifically cleared for their tasks for child protection reasons.

The data is subsequently transferred to another database, BI Online (Cognos), to be used for management purposes, analysis and research. Each child is assigned a unique sponsorship number, ensuring the anonymity of the child and his/her family. Currently this database holds data from 2008 onwards.

<sup>43</sup> A detailed report on the methodology, analysis and findings of the quantitative element of this research was prepared by the International Observatory on Statelessness (IOS) to inform this publication. This is on file with Plan international and is available upon request.

<sup>44</sup> This is an internal document which provides guidance to the volunteers and staff who collect data.



The sponsorship dataset contains rare information on the birth registration details of children old enough to attend school as well as details on their school attendance. Therefore, it was used to investigate the relationship between birth registration and education. The dataset is unique because in order to inform the sponsor on their development and wellbeing, each child is interviewed on a regular basis for the period he/she is part of Plan's sponsorship programme.<sup>45</sup> Each sponsored child has a unique number, which remains the same over time; therefore this dataset is panel data and can be used for specific types of analysis. The dataset provides data from 2008 to 2013.<sup>46</sup>

The sponsorship survey asks the following questions in relation to birth registration:

- Has the sponsored child's birth been registered and is there supporting documentation?
- If not registered, why is the sponsored child's birth not registered?

Two education-related variables reported in Plan's sponsorship dataset were used within the analysis: the child's current education level and the reason for not being in formal education. The questions relating to education in the sponsorship questionnaire are:

- Does the sponsored child regularly attend formal education?
  - If the answer is yes, which level of formal education does the sponsored child attend regularly?
  - If the answer is no, why is the sponsored child not regularly attending formal education?

The data was subsequently used to explore how birth registration is related to:

- The likelihood of a sponsored child to be in formal education
- The likelihood of a sponsored child to be in age appropriate education (i.e. is the child attending the grade that is to be expected given his/her age)<sup>47</sup>
- The probability of a sponsored child not enrolling in school at the compulsory schooling age (age six for all case study countries)

Three logistic regression models were used for analysing this data: pooled logit; fixed effects; and random effects.<sup>48</sup> Sponsored children under the age of six years were excluded from the analysis as these children are below the

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<sup>45</sup> Due to different data collection cycles, the data is not always updated annually. Sometimes this happens once every 18 months, or more likely, twice within the same year, which means the following year is missing. Where this occurs, the most recent sponsorship questionnaire is used. However, the sponsorship team at Plan International has recently adapted the data collection cycles and this will ensure that future collection takes place annually.

<sup>46</sup> Analysis focused only on panel data for three years (2010-2012) for India and Kenya and for two years for Sierra Leone (2011-2012). As sponsored children are added to the dataset year-on-year, not as a single cohort, a five-year balanced panel meant excluding a number of cases and significantly reducing the sample. However, a three-year balanced panel for India and Kenya and a two-year balanced panel for Sierra Leone ensured high samples for analysis.

<sup>47</sup> This was measured according to the age of the child and whether they were in primary or secondary education according the following age brackets: primary school appropriate age 6 – 13; secondary school appropriate age 14 – 18.

<sup>48</sup> The first model is a simple regression model, which pools the available data for analysis as a whole. The latter two models use the panel properties of the dataset, which allows for a more accurate analysis. Baltagi (2008) provides a detailed explanation about the benefits of using panel data, noting that: 1) panel data allows for heterogeneous individuals in ways that time-series and cross-section studies cannot; (2) panel data give more informative data, more variability, less colinearity among the variables, more degrees of freedom and more efficiency; (3) panel data are better able to study the dynamics of adjustment;

compulsory school age in all three countries. Further details on the methods used within the analysis and Plan International’s sponsorship dataset can be found in a forthcoming report on the use of the data within this research.

The dataset was used to define a set of robust variables to be controlled for within in the regression analysis:

**Table 2: Variables used within analysis of Plan sponsorship data**

Variable	Explanation
<b>Birth Registration</b>	Whether or not the sponsored child is registered (irrespective of whether the certificate was seen)
<b>Age appropriate education</b>	The age of the child and whether they were in primary or secondary education according the following age brackets: primary school appropriate age 6 – 13; secondary school appropriate age 14 – 18
<b>Discontinued Schooling</b>	Child does not continue to attend school having previously attended
<b>Age six school enrolment</b>	Sponsored child is enrolled in school at age 6 (compulsory schooling age for all case study countries)
<b>Quality of housing</b>	Four variables were created to identify the quality of roof, wall, type of water source and toilet as “poor” or “better.” This variable was included as a rough proxy of economic status
<b>Whether the child’s mother/father is alive</b>	(no further explanation required)
<b>Whether there is a male/female carer</b>	(no further explanation required)
<b>Rural/non-rural children</b>	Whether the children live in rural or non-rural communities
<b>Language</b>	Dummy variables were created for languages that are in high frequencies in the sample
<b>Sex</b>	Whether the sponsored child is male or female
<b>Special circumstances</b>	Whether the sponsored child is affected by war/conflict, is an orphan, or has been affected by a disaster situation. (a dummy variable which is given a value of 1 if the SC is affected by war/conflict, Orphan, or by a disaster situation; 0 otherwise)
<b>Formal Education</b>	Whether the sponsored child is in formal education at the time of being interviewed
<b>Children</b>	The total number of children in the sponsored child’s household

These variables were selected in order to investigate other factors that could explain any relationships between birth registration and education. However, the available variables in the sponsorship data are not as extensive as those collected by the DHS. Furthermore, there were a number of data quality issues within the sponsorship dataset, which meant extensive cleaning of the data and the removal of a number of records. Whilst this reduced the sample size, the dataset nonetheless provides a very large number of records for analysis and interpretation, which are not found in the MICS or DHS datasets.

## 2.6 Limitations

The research was faced with a number of limitations which are set out here. Despite these limitations, researchers were nonetheless able to gather a great deal of useful data which provides meaningful evidence for answering the research questions.

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and, (4) panel data are better able to identify and measure effects that are simply not detectable in pure cross-section or pure time-series data.

## 2.6.1 Qualitative study limitations

- Due to time and resource constraints it was not possible to conduct the study in every Plan Programme Country. The four case study countries were selected to represent diversity so that the findings can apply more broadly to other similar ‘types’ of countries. This has been reflected in the production of a series of four ‘typology’ analyses which are available as appendices to the report. Nevertheless, some of the findings may not be generalised to other contexts.
- Less data was collected in relation to research question 3, concerning economic security of youth. At the start of the research endeavour, it was hoped this could be approached within the field research. However when it came to designing tools for data collection, it became apparent that this would be better placed as a standalone study given that drawing comprehensive conclusions with regards to the relationship between birth registration and economic empowerment outcomes is difficult without the ability to compare outcomes over time. A future study that tracks the life experiences, opportunities and outcomes of a group of children who are birth registered and a group who are not over time could draw comparative conclusions with regards to this. However, this was not possible given limited time and resource constraints. As such, this research question is not addressed in a separate chapter of the report.
- Given the vast number of different actors in the four country case studies who have a role to play in child rights, governance and birth registration, there was not sufficient time to meet with all of them. Researchers were, however, able to meet with a diverse representative of people in all contexts, who were able to give helpful and in-depth information pertaining to the research questions.
- During the qualitative research it was not possible to meet in person with many central government personnel in Vietnam, which may have limited the research findings in relation to the benefits of birth registration for government. Most central government departments contacted by Plan International’s Country Office explained that they were not willing to participate in the research because they did not feel the subject of the research (universal birth registration) was relevant to their work. The central department of the Ministry of Justice, who implement the birth registration system in Vietnam, explained that they were too busy with other commitments to participate in the research at the time it was being conducted. However, a written response was provided. The Ministry of Health also provided a written response and the research team was able to meet in person with the Ministry of Labour, Invalids and Social Affairs. Researchers were able to conduct interviews with government at Province, District and Commune levels including representatives from the departments of Education, Health, Justice and Labour, Invalids and Social Affairs.
- Similarly, in India, researchers were unable to meet with federal government personnel. However, as is explained in section 3.4, responsibility for managing and implementing birth registration is devolved to the level of the State administration in India, and the research team were able to meet with government representatives at the State level who are responsible for managing and implementing birth registration.
- In some cases the fact that researchers were perceived as representatives of a current or potential ‘donor’ agency, particularly in communities where Plan was already providing sponsorship or other support, may have

had an influence on the direction of interviews and the participants' responses. Researchers tried to mitigate against this as far as they were able, by explaining the nature of the research in clear language, and explaining that participating in the research, or responses they gave would be anonymous, and would not have any effect on support they are currently receiving, or whether they will, or will not, receive support in the future.

- Language differences necessitated the use of translators in some instances, particularly in Vietnam, which inevitably presented some barriers to accessing thorough, in-depth qualitative information.

## **2.6.2 Quantitative study limitations**

- The quantitative study provides evidence on 'associations' or correlations between birth registration and a range of education and health outcomes, however, the findings do not provide any insight into the 'causal' relationship between birth registration and these outcomes. The absence of data concerning the timing of birth registration limited the evidence regarding this. Furthermore, given the magnitude and complexity of the different factors that are likely to affect *both* a child's access to registration *and* their access to services, it was not possible to adjust for all of these factors within the regression analysis.
- Data for Vietnam was not suitable for quantitative analysis. This is because rates of birth registration in Vietnam are above 90 percent, which meant that it was not possible to capture the effects (to statistical significance) of birth registration through a comparison of children with and without birth registration. Nevertheless, Vietnam was selected as a country case study for qualitative research for the reasons outlined in section 2.3.
- The DHS (and MICS) datasets record information gathered in the past (in the case of India, more than 5 years ago) and therefore may not accurately reflect the most current trends in the selected countries.
- The samples provided by Plan's sponsorship data did not provide a representative sample of the communities in which Plan operates, such that these findings cannot be generalised to the wider population. They do, however, give an indication of what wider trends might be. Further potential limitations of the sponsorship data are discussed in a forthcoming report on this element of the research.

## Chapter 3: Birth Registration Systems

(India, Kenya, Sierra Leone and Vietnam)

This section contains a brief overview of the birth registration systems in the four country case studies. Whilst this is not a study of birth registration systems themselves, but of their effect, it is helpful to understand how registration occurs, as well as some of the barriers to registration, to provide context for the research findings explored in the sections below.

The descriptions included below draw from information obtained in a literature review<sup>49</sup> as well as evidence gathered from research participants during interviews and focus groups conducted in each country, which provided information about how birth registration systems are functioning in practice. The descriptions demonstrate, at a very general level, how law and policy in each of the countries set the norms against which birth registration should operate as well as how birth registration systems operate in practice. It is acknowledged that this information is varied and is derived from different and diverse sources – therefore, it might not present a full picture of what happens in practice.

### 3.1 Sierra Leone

Birth registration is a legal requirement in Sierra Leone under Act No. 11 of 1983 which mandates the registration of all births and deaths. According to official statistics, birth registration rates in Sierra Leone are relatively high (compared to other West Africa contexts) at 78%.<sup>50</sup> The National Birth and Deaths Offices (under the Ministry of Health) are responsible for coordinating the implementation of birth registration.

The 1983 Act requires that births must be registered within 30 days. There are legal penalties for late registration, and additional administrative complications. According to law, when a birth has not been registered within the 30-day period, the applicant must pay a ‘prescribed fee’ and produce an affidavit made before a public notary or authorised officer, potentially causing significant delays and high legal fees.<sup>51</sup> According to the law in Sierra Leone, if the birth is registered after one year, it must be registered by the chief registrar, a district level government office that falls within the Ministry of Health.<sup>52</sup>

According to law, if a child is born in a hospital or clinic, the medical officer, midwife, or nurse (or any other person in charge at the hospital) is responsible for registration. If a child is born at home, any medically trained birth attendant, or alternatively (if none present) the parents or the ‘head’ of the house are responsible for registration.<sup>53</sup>

In practice, most registration in Sierra Leone appears to take place at birth in ‘formal’ hospitals. According to information gathered from research participants it is much less likely that a child born at home will be registered,

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<sup>49</sup> This comprised a basic review of available national laws and policies.

<sup>50</sup> UNICEF (2013) *At a glance: Sierra Leone statistics* [online] Available from: [http://www.unicef.org/infobycountry/sierraleone\\_statistics.html](http://www.unicef.org/infobycountry/sierraleone_statistics.html) [Accessed January 2014]

<sup>51</sup> Article 18 of the Act.

<sup>52</sup> Article 18 of the Act.

<sup>53</sup> The Act also stipulates who is responsible for registration of the birth in other specific circumstances.

although it is possible for parents to travel to the local hospital (after home birth) and request a certificate (even after one year). Sometimes a fee (5,000 Sierra Leonean Leones (SLL), which is roughly equivalent to \$1.15 USD) will be charged for the certificate.

A fee of 5,000 SLL (\$1.15 USD) is also required for *replacing* a birth certificate, along with the legal fees required to obtain an affidavit. According to law a replacement can only be obtained at the national birth and deaths office, creating barriers to access for people from remote parts of the country, especially because lack of infrastructure makes travel from rural areas difficult and expensive.

## 3.2 Vietnam

Birth registration is mandatory in Vietnam and forms part of a highly intricate and tightly managed civil registration system (comprising many different processes, records and documents). The registry of births is a requirement by law (established in Vietnam's Law on Protection, Care and Education for Children, and the Civil Code, and Decree Number 158 of 2005<sup>54</sup>). The Ministry of Justice is the division of the Government that is responsible for managing and implementing birth registration, and is also responsible for the registration of marriages and deaths. The rate of birth registration in Vietnam is high, at 95%.<sup>55</sup>

According to Decree (2005), registration should occur within 60 days of the birth of a child.<sup>56</sup> In 2007 (in an attempt to remove barriers to registration) the Prime Minister issued a Directive stating that a fee should never be imposed for late registration.<sup>57</sup> According to many respondents (in the field research), however, a fee of (somewhere between) 50,000 - 200,000 VND (roughly \$2.4 - \$9.6 USD) is often required in practice.

According to research respondents, when a child is born in a health centre or a hospital they are issued with a 'temporary' certificate, which must then be brought to the commune administration<sup>58</sup> in order to obtain an official, original birth certificate signed by the Chairman of the People's Committee at the commune. If a child is born at home, they can simply be presented to the Committee, accompanied by a witness (such as a traditional birth attendant or a village/neighbourhood leader) to obtain a birth certificate, without the need for a temporary paper.

Respondents in the field research reported that birth registration must take place at the Commune where the parents of the child are officially 'household registered.'<sup>59</sup> When registering a child, parents must present their 'household registration book' (official proof of address) to the People's Committee of the Commune. According to research participants, this creates barriers to registration for children born within (informal) migrant families, who do not possess an official (legal) proof of address. According to a new residential law in Vietnam, adults can change

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<sup>54</sup> 'The birth certificate is an original civil status paper of each individual. All files and papers of individuals written with their family names, given names, middle names; dates of birth; gender, ethnicity; citizenship; native places; parental, offspring relations must be compatible with the birth certificates of such persons.'

<sup>55</sup> According to MICS 2011, the most recent data on birth registration in Vietnam. Child Info (n.d.) *Statistics by area: child protection* [online] Available from: [http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014].

<sup>56</sup> Chapter II, Decree Number 158 of 2005.

<sup>57</sup> Prime Minister's Directive 24 of 2007.

<sup>58</sup> A 'commune' is the 'bottom' tier administrative sub-division in Vietnam; communes constitute subdivisions of districts or provinces.

<sup>59</sup> Their official address.



the location of their household registration if they live in the same location for over three years; however, none of the young migrants interviewed in this research had obtained formal/legal temporary or permanent residence in the area where they were living.

There are other reasons why a small minority of children in Vietnam are not birth registered, which are highly significant in the light of research findings explored in the chapters below, and especially because overall rates of registration in Vietnam are high. Firstly, respondents in Vietnam reported that it is difficult to obtain a birth certificate for a baby in the case that his/her parents are under the age of legal marriage. For example, one respondent (an 18 year old man with a 17 year old wife) explained to researchers that his 1 year old child was not registered, because they had to wait to legally register their marriage first.<sup>60</sup> It is not clear from the information gathered whether this is a requirement by law, or a barrier experienced by some individuals in practice. In addition some respondents reported that Vietnam's unofficial two-child 'policy' can sometimes create barriers to registration. Respondents did not report that birth certificates would be refused for third, fourth, fifth (etc.) children, but explained that some parents did not want to register these children because this would mean having to admit to violating the 'policy'. In particular, government employees are liable to be subject to fines and other penalties if they have more than two children, and may be reluctant to register younger children.<sup>61</sup> Finally children of disputed nationality (including those living in the mountainous areas that border China, Cambodia and Lao PDR and those born to fathers of foreign nationality) were reported to face barriers to registration.<sup>62</sup>

### 3.3 Kenya

Birth registration in Kenya is compulsory according to the Birth and Deaths Registration Act of 1971. Birth registration falls within the purview of the Civil Registration department, under the Ministry of the Interior.<sup>63</sup> The birth registration rate in Kenya is in the mid-range of 60%.<sup>64</sup>

Birth certificates are issued through one of two processes: current registration (in the first 6 months of child's birth) and late registration (after six months). When a mother gives birth in a hospital or health clinic she is issued with a 'birth notification.' This is one half of a two-part form; the second half is kept by the hospital to maintain a record of the birth. When a child is born outside of a hospital, an official letter from a designated individual (a chief, assistant chief, community elder) must be issued verifying the details of birth and parentage. This letter will serve the role of a notification. Parents must then present this notification to the Principal Civil Register who will issue an official birth certificate. A fee of 50 Kenyan Shillings (roughly \$0.6 USD) is required to obtain a birth certificate, potentially creating barriers to registration for poorer families (although the fee is relatively small).<sup>65</sup>

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<sup>60</sup> Focus group discussion, internal migrant children, Hanoi, 15<sup>th</sup> August 2013.

<sup>61</sup> Interview, representative from Department of Health, Hanoi Province, 14<sup>th</sup> August 2013.

<sup>62</sup> Interview, representative from UNHCR, Hanoi, Vietnam, 14<sup>th</sup> August 2013.

<sup>63</sup> Responsible for the registration of births and deaths, the preservation of birth and death records, the issuance of birth and death certificates upon applications, and the production of birth and death certificates. Available from <http://www.mirp.go.ke/> [Accessed January 2014].

<sup>64</sup> DHS Programme *Kenya: Standard DHS 2008/2009* [online] Available from: <http://www.measuredhs.com/what-we-do/survey/survey-display-347.cfm> [Accessed January 2015].

<sup>65</sup> According to the Births and Death Registration Act, 'The official fee payable for a notified birth ranges from a minimum of KShs.50 to a maximum of KShs.130 to the Principal Registrar.'

When registration occurs after six months, it is considered to be ‘late registration’, and the fee (for registration) doubles to 100 KShs (roughly \$1.2 USD). According to The Birth and Deaths Registration Rules,<sup>66</sup> the district registrar has a certain amount of discretion in determining which documents are required for late registration;<sup>67</sup> the applicant must ‘produce any other document or obtain any certificate that the registrar may in his/her sole discretion require,’<sup>68</sup> and the registrar must be ‘satisfied beyond reasonable doubt’ in the application. According to research participants, this has sometimes resulted in registrars imposing arbitrary restrictions and demanding bribes before issuing certificates, creating barriers to registration for those who are registered late.

The development of the civil registration system in Kenya is being led by a USAID funded consortium of organisations – a ‘private-public partnership’ – which includes ICF International (a for profit American consulting firm), Tulane University, the University of South Carolina and several NGOs including Plan International. The consortium, in partnership with UNICEF and the WHO, comprises Kenya’s Technical Working Group on Civil Registration. According to one representative, their stated goals are to ‘strengthen the capacity of the Civil Registration Department,’ ‘to strengthen the system of monitoring and evaluation’ and to support the Civil Registration Department to generate data that can be used by the National Bureau of Statistics: ‘Our approach is to support the Ministry in order to help them generate data for the civil registration department – the national bureau of statistics is mandated to handle data...we try to create a linkage. We cannot get good trends if the system is not integrated.’<sup>69</sup>

### 3.4 India

Birth registration is mandatory under the Registration of Births and Deaths Act of 1969. The law decentralises responsibility for implementing registration systems to State Governments, which has resulted in a wide disparity in how the system operates in different states in practice. This has also led to different rates of registration across the country. Data collected in 2005-2006 found that India’s birth registration rate was around 41 percent.<sup>70</sup>

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<sup>66</sup> The Births and Deaths Registration Rules, Kenya.

<sup>67</sup> As many of the following documents ‘as possible’ must be produced: ‘municipal notification of birth; certificate of doctor or midwife who attended the birth; child immunisation clinic card; school leaving certificate; baptismal certificate’ identity card or passport; letter from employer indicate date of birth.’

<sup>68</sup> These may include: ‘certified letter/delivery book from hospital; hospital attendance registrars; mother’s antenatal card; examination certificate/result slip; parents identification documents; marriage certificate for parents; elder siblings birth certificates; id card printout; any other document as applicable; physical appearance of the informant/parent/application, or a certificate signed by an independent person who has known the child since birth but is not related to him or her.’

<sup>69</sup> Interview, representative from ICFI, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>70</sup> DHS Programme *India: Standard DHS 2005-2006* [online] Available from: <http://dhsprogram.com/what-we-do/survey/survey-display-264.cfm> [Accessed January 2014]. Whilst 2005-2006 was the most recent data on birth registration available for analysis from DHS/MICS at the time of this research, it is worth noting that an estimate from the Office of the Registrar General of India indicated that it was 62.5% in 2005 and 82% in 2012 (Office of the Registrar General (2010) *Vital Statistics of India* [online] Available from: [http://www.censusindia.gov.in/2011-Documents/CRS\\_Report/CRS\\_Report\\_2010.pdf](http://www.censusindia.gov.in/2011-Documents/CRS_Report/CRS_Report_2010.pdf) [Accessed May 2014].

### 3.4.1 Maharashtra

According to the Office of the Registrar General in India, the birth registration rate in Maharashtra is over 90 percent.<sup>71</sup> Birth certificates are issued by the Municipal authorities under the Department of Urban Development. Children who are born in hospitals are issued with a temporary certificate, which must be taken to the municipality within 27 days, together with a completed application form, in order to receive an original birth certificate. Children who are born outside of hospitals may request a temporary certificate from the head of the village or an outreach health worker. If the birth of a child is not registered within 1 year, parents are required to obtain a sworn statement/affidavit from the local court in order to apply for a birth certificate.

### 3.4.2 Uttar Pradesh

According to the Office of the Registrar General in India, the birth registration rate in Uttar Pradesh is under 50% and is therefore much lower than Maharashtra.<sup>72</sup> The system is somewhat complicated, at least in practice, involving a range of different processes depending on whether mothers are delivering in government or private hospitals, in rural or urban settings, at home or within institutions. Although this is similarly the case in rural parts of Maharashtra, the system appears to be working more responsively and efficiently, whereas in Uttar Pradesh, the lack of standardisation is causing problems. These problems include conflicting information and misperceptions about what qualifies as an 'official' birth certificate and inconsistencies in births that are registered and certificates that are issued.

In rural areas, when a child is born at home, it is the responsibility of ASHA (Accredited Social Health Activist) workers based at the village level to register births and send the registration information to the 'Village Development Officer', under the Department of Rural Development. When a child is born in a health sub-centre the ANM (Auxiliary Nurse and Midwife) registers the birth; at a primary health centre, or a community health centre it is the responsibility of the Medical Superintendent; both being under the Department of Health. Information is not well shared between the two bodies.

In urban areas, the system varies depending on whether a baby is born in a private or a government hospital. The State Municipal Corporation (under the Department of Urban Development) is responsible for issuing birth certificates and collecting registration data. According to research respondents, children born at home or in private or government hospitals may visit the State Municipal Corporation of their own accord to register children. Birth certificates may also be issued at birth by Medical Superintendents in government hospitals. In practice it appears that most birth registration in Uttar Pradesh takes place later in life, often around the time of secondary schooling.<sup>73</sup>

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<sup>71</sup>Office of the Registrar General (2010) *Vital Statistics of India* [online] Available from: [http://www.censusindia.gov.in/2011-Documents/CRS\\_Report/CRS\\_Report\\_2010.pdf](http://www.censusindia.gov.in/2011-Documents/CRS_Report/CRS_Report_2010.pdf) [Accessed May 2014].

<sup>72</sup>Office of the Registrar General (2010) *Vital Statistics of India* [online] Available from: <http://www.censusindia.gov.in/> [Accessed May 2014].

<sup>73</sup> Interview, Senior Official, State Municipal Corporation, Lucknow, 12<sup>th</sup> September 2013.

### **3.5 Conclusions: systems summary**

The information from this systems summary provides important context for answering the research questions. It demonstrates both similarities and differences in birth registration systems across different country contexts. While birth registration rates are a legal requirement in all countries; rates of registration vary widely both within and across different country contexts, and the process of registration is different. Some of the barriers to registration, such as the imposition of late fees, are shared across the different countries, whilst others (such as the barrier to registering a child without reaching the legal age of marriage in Vietnam) are highly specific to the country context.

In the same way, as will be demonstrated in the chapters to follow, some of the experiences relating to the effect of birth registration are shared across different country contexts (such as the experience of a ‘strong’ relationship between birth registration and legal identity and the experience of a ‘weak’ relationship related to child protection) and others are highly dependent on the specificities of the country context (such as the experiences of the relationships between access to services and birth registration).

## Chapter 4: Legal Identity

### 4.1 Expected relationship: birth registration and legal identity

A birth certificate is a form of legal identity document: ‘a government-issued document that proves one’s status as a person who can exercise rights and demand protection under the law.’<sup>74</sup> An official legal identity document affirms the government’s recognition of an individual’s age, nationality, name, and any other identity features that it includes. In the majority of circumstances legal identity is used by an individual to access rights and entitlements associated with their status as **citizens** or **residents** of a particular country. Both private and government institutions may, in different instances, require individuals to show legal identity.

The requirement to show one’s identity can be viewed as part of the ‘social contract’ fundamental to democratic governance. As put by Harbitz and Boekle-Giuffrida in a 2009 article on governance, citizenship and legal identity, ‘In order to obtain and demonstrate the basic social and political attachment between a citizen and a state, a contract—namely a social contract—must be in place. This contract is the entry of the person’s birth into the civil registry. Only when the contract is in place can the person exercise his or her citizenship.’<sup>75</sup> In a similar vein one of the research participants noted:

‘The purpose of birth registration is to ground the nationality of the child. To give the child the rightful entitlements of citizenship.’<sup>76</sup>

Whilst this article focuses on the ‘social contract’ established between an individual and state by virtue of citizenship, a state may also confer rights and entitlements on individuals based on other identity characteristics such as residency, age, ethnicity, disability and others. Nevertheless, the principle of the argument is the same: a conceptual link is made between a person’s legal identity, the rights they are guaranteed by the State by virtue of that ‘identity’, and the document that ‘officially’ establishes that identity; as Plan write: ‘registration entitles a child to their rights and bestows the responsibility for that child, throughout his or her life, on the state’.<sup>77</sup>

It follows that legal identity is a cornerstone of international law, and is also enshrined in many domestic constitutions. According to international human rights law, from the beginning of her or his life every child (person) has the right to a legal identity, including a nationality, and to legal identity documents which affirm that identity. Birth registration promotes this right; and (where the birth registration system is implemented correctly) does so right from the start of life.<sup>78</sup> Thus, birth registration promotes the right to legal identity through giving individuals birth certificates: a document that confirms that identity.

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<sup>74</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p vii.

<sup>75</sup> Harbitz, M and Boekle-Giuffrida, B. (2009) *Democratic Governance, Citizenship, and Legal Identity: Linking Theoretical Discussion and Operational Reality*, Inter-American Development Bank Working Paper, Washington, USA, p.18.

<sup>76</sup> Interview, representative from Ministry of Justice, Sierra Leone, July 2013.

<sup>77</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>78</sup> According to Article 7 of the Convention on the Rights of the Child, ‘The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.’ Article 24 of the International Covenant on Civil and Political Rights: ‘1. Every child shall have,

The relationship between birth registration and legal identity is the **direct** impact of birth registration. Possessing a birth certificate may then **indirectly** promote rights associated with legal identity, by providing individuals with a means through which to claim them. This is because a legal identity *document* is often important in situations where an individual is required to prove his or her identity in order to access a service, claim a right, complete an administrative procedure, and so on. In these circumstances, birth certificates may themselves be used as a form of legal identity proof; or (more commonly, as found in the research) they may be used to facilitate an individual's access to other identity documents, such as a national ID card or passport, which are concretely attached to particular rights and benefits (such as the ability to open a bank account or travel internationally).

It has also been argued that whilst lack of birth registration 'can impact negatively on a child's sense of personal identity',<sup>79</sup> having a birth certificate may strengthen a child's sense of self-worth and entitlement through representing the States' accountability to each individual ('a child not counted, does not count').<sup>80</sup> Consider the following quote from a Ugandan mother about the value of birth registration: 'I want [my children] to have what I never got: access to education. I want them to know and have proof of who their parents are. Above all, I want them to realise that they are citizens of [this country].'<sup>81</sup> However, the symbolic power of birth registration has been demonstrated to have negative effects as well. In China it has been argued that the 'the differences in rights from those enjoyed by registered children can have a negative influence on the children's emotional development.'<sup>82</sup> Distrust of governing authorities has served as a barrier to registration in certain contexts, such as Mozambique, where the population was resistant to registering births in a system inherited from the Portuguese colonial rule, which they associated with heavy taxation and more general oppression.<sup>83</sup>

It is important to note that whilst *legal identity* is a direct benefit of birth registration; *citizenship* is not; however nonetheless birth registration has a very strong (indirect) relationship with promoting the right to citizenship. As UNICEF writes: 'birth registration may signify the beginning of the legal contract between the individual and the State known as citizenship...While birth registration does not itself confer citizenship upon the child, it is often essential for its acquisition based on each country's law.'<sup>84</sup> There are two principles through which states around the world confer citizenship: either through a child's birth in the territory of the state, *jus soli*, or through the nationality or citizenship of a child's ancestors (usually parents) *jus sanguinis* (in practice most states grant

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without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State; 2. Every child shall be registered immediately after birth and shall have a name; 3. Every child has the right to acquire a nationality.

<sup>79</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

<sup>80</sup> Plan Ireland (n.d.) *A Child not Counted does Not Count* [online] Available from: <http://plan.ie/what-we-do/millennium-development-goals/a-child-not-counted-does-not-count/> [Accessed February 2014].

<sup>81</sup> Harbitz, M. and Boekle-Giuffrida, B. (2009) *Democratic Governance, Citizenship, and Legal Identity: Linking Theoretical Discussion and Operational Reality*, Inter-American Development Bank Working Paper, Washington, USA, p.5.

<sup>82</sup> Shuzhuo, L et al (2009) *Birth Registration in China: Practices, Problems and Policies* [online] Available from <http://iussp2009.princeton.edu/papers/91902> [Accessed May 2014], p 19.

<sup>83</sup> UNICEF (2007) *Birth Registration and Armed Conflict*, UNICEF Innocenti Research Centre, Florence, Italy, p. 7.

<sup>84</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York, p. 11. According to law there are two principles for granting nationality: either through a child's birth on a country's territory 'jus soli' or through the nationality of their parents 'jus sanguinis'. Most states grant nationality through a combination of the two principles (place of birth, and parentage).

nationality through a combination of the two principles: place of birth and ancestry). A birth certificate can support a child to establish citizenship, therefore, because a birth certificate provides proof of their location and date of birth, and of their parents' identity. Therefore, in their recent Handbook 'A Passport to Protection, a guide to birth registration programming,' UNICEF concludes: 'children who are not [birth] registered are excluded from the benefits of citizenship.'<sup>85</sup>

It is also critical to recognise that, whilst legal identity is a direct benefit of birth registration, it may be equally used by a government to define who *is* included in the state and society and thus entitled to rights (by virtue of their identity), and, by the same token, *who is not*. Legal identity may facilitate the acquisition of citizenship or residency, or other status for certain 'eligible' groups. It does not, however, necessarily promote *human* rights. Whilst *human* rights belong to *all* individuals, *regardless* of their identity; the rights and entitlements rendered dependent (by States) on possession of *legal* identity, by *definition*, do not. A possible confusion in much of the literature on this point is reflected in the discordant statement: 'registration entitles a child to their rights.'<sup>86</sup>

## 4.2 Research findings: legal identity

In alignment with the literature on birth registration, when asked open ended questions about the benefits of possessing a birth certificate, respondents across all four country case studies were most likely to emphasise the value a birth certificate has for establishing the **national identity** or **citizenship** of a child.

Sometimes this value was expressed primarily in abstract or emblematic terms: 'it has to be that someone was born in a country';<sup>87</sup> 'to know you are Sierra Leonean';<sup>88</sup> '[a birth certificate] shows the place you come from – it is the only way to know you come from this country.'<sup>89</sup> Participants, especially in Sierra Leone and Kenya spoke of this value with overwhelming positivity and enthusiasm; conveying the symbolic value a birth certificate may hold for individuals in terms of expressing and affirming their identity and sense of belonging to a particular territory or state.

In other cases, especially in (parts of) India and Vietnam, and also in Kenya, respondents referred to the practical uses of a birth certificate; and most especially the role a birth certificate can play in facilitating an individual's access to other legal identity documents such as a passport, national identity card or driving license. In practice, however, according to research participants, most forms of legal identity, such as national ID cards or driver's licenses, are obtained through the use of a range of documents, and different means of proof (such as a sworn statement).<sup>90</sup> In all country contexts, respondents reported that once other forms of legal identity are obtained, the need for a birth certificate diminishes. Nevertheless birth registration is one means for establishing the *first* proof of a child's legal existence, and, birth registration has the potential to do this right from the moment of birth.

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<sup>85</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

<sup>86</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>87</sup> Focus group discussion, fathers, Mumbai, India, 17<sup>th</sup> September 2013.

<sup>88</sup> Interview, teacher, community near Freetown, Sierra Leone, 16<sup>th</sup> July 2013.

<sup>89</sup> Interview, Chief, community near Kwale, Kenya, 6<sup>th</sup> September 2013.

<sup>90</sup> Interview, District Level Official, Nairobi, Kenya, 4<sup>th</sup> September 2013.

Different types of documents were found to be concretely attached to particular administrative functions and benefits in each country. For example, in Vietnam the 'household register' was found to be critically important, in parts of India it was the 'ration card' and in Kenya the national ID card. 'Household registers' (Vietnam) and 'ration cards' (India) are forms of collective, family identification which provide official proof of address, and may be used to access social benefits and services (such as food subsidies). In Kenya, a national identity card is used to register to vote, and may also be requested by employers, or when opening a bank account, amongst other uses.

In practice, in all case studies, participants were found to have obtained different legal identity documents without a birth certificate. In Kenya, a birth certificate is not required to acquire a national ID although it is one of a range of acceptable documents, including a school leaving certificate, a baptism card, a parent's National ID, or a clinic card.<sup>91</sup> In India, although official government advice in some States specifies that a birth certificate is required to add a child to a ration card,<sup>92</sup> this does not appear to be the case in practice. Even in the remote areas of India included within the research, unregistered respondents possessed 'ration cards,' 'caste certificates'<sup>93</sup> and voter ID cards. Similarly in Sierra Leone, participants reported that a national ID card can be obtained without a birth certificate: 'I have got a national ID card, but they did not ask me for a birth certificate';<sup>94</sup> 'I have a national ID card, they did not need my birth certificate. They asked for it but I said I don't have one so they gave me the ID anyway.'<sup>95</sup> In Vietnam, a birth certificate is sometimes required to obtain household registration, and a national ID card, but according to respondents this is not always the case: 'some authorities require a birth certificate to put you in the household registration book. Others don't';<sup>96</sup> 'you only need household registration to get a national ID card. Only if this [your household registration] is missing they will ask you to show a birth certificate.'<sup>97</sup>

The following table contains information about the different types of documents that tended to be possessed by participants in the research, and provides a sense of the (relative) importance and practical uses of legal identity in different contexts. It demonstrates that in many instances legal identity may exist without birth registration, and that birth certificates are by no means the most widely possessed forms of documentation.

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<sup>91</sup> Interview, District Level Official, Nairobi, Kenya, 4<sup>th</sup> September 2013.

<sup>92</sup> Tripura State, India (n.d.) *Apply for a ration card* [online] Available from:

[http://www.archive.india.gov.in/howdo/service\\_detail.php?formid=389&service=7](http://www.archive.india.gov.in/howdo/service_detail.php?formid=389&service=7) [Accessed February 2014].

<sup>93</sup> These are certificates that provide proof of a person's caste to enable their entitlement to particular social goods and benefits, as provided for by Indian law. Abbreviations for these certificates used by respondents included ST/SC/OBC certificates. These were collectively translated as 'caste certificates' by interpreters.

<sup>94</sup> Interview, mother, Lunser Community, Port Loco, Sierra Leone, 18<sup>th</sup> July 2013.

<sup>95</sup> Interview, father, Laambie Community, Port Loco, Sierra Leone, 18<sup>th</sup> July 2013.

<sup>96</sup> Interview, representative from Department of Labour, Invalids and Social Affairs, Vietnam, 14<sup>th</sup> August, 2013.

<sup>97</sup> Interview, representative from Department of Justice, Vietnam, 15<sup>th</sup> August 2013.



**Table 3: Table demonstrating participants' use of identity documents (including birth certificates)**

	Frequently used	Sometimes used	Rarely used
<b>Sierra Leone</b>	Under 5 card (entitling children to free health care)	National ID card <b>Birth certificate</b>	Passport Driving licence National ID card
<b>Kenya</b>	National identity card Clinic card	School leaving certificate <b>Birth certificate</b>	Marriage certificate
<b>India: Maharashtra (Urban sites)</b>	<b>Birth certificate</b> Ration card (proof of address and entitling participants to food subsidies) Caste certificate Voter ID card PAN cards (for taxes) National ID card ( <i>Aadhaar</i> card) Driver's license Health card	Marriage certificate Passport	
<b>India: Uttar Pradesh and Maharashtra (Rural sites)</b>	Ration card Caste certificate Voter ID card Health card	National ID card ( <i>Aadhaar</i> card) PAN card (for taxes) Driver's license	<b>Birth certificate</b>
<b>Vietnam</b>	National ID Card Household registration book <b>Birth certificate</b> Health insurance card Marriage certificate Driver's license Vaccination card	Passport	

As the table above indicates, legal identity in some form or other was found to be possessed, and considered important, by many respondents in all country case studies. Nevertheless, the significance of possessing legal identity was found to vary widely according to the context. Legal identity was found to be particularly important in Vietnam, which is characterised by high levels of State management of the population and of formal interaction between the population and its government: 'the birth certificate is the first certificate in your life. Birth certificates are very useful in so many cases in Vietnam: even when people become 80 years old they will need a birth certificate to get a pension';<sup>98</sup> 'most people here have birth certificates and identity cards and household registration, so when anyone is arrested it can be verified who they are';<sup>99</sup> 'identity documents are needed to verify where people come from. It provides contact information for the police if anything goes wrong.'<sup>100</sup> Legal identity was also found to be important in the more developed and urban parts of India (e.g. Mumbai). For many respondents in parts of Sierra Leone, on the other hand, legal identity appeared to have little practical relevance

<sup>98</sup> Focus group discussion, parents, commune, 15<sup>th</sup> August 2013.

<sup>99</sup> Focus group discussion, parents, commune, 15<sup>th</sup> August 2013.

<sup>100</sup> Focus group discussion, migrant children, Hanoi, 16<sup>th</sup> August 2013.

within people's everyday lives: 'I don't have any of those documents. They are nothing.'<sup>101</sup> Similarly, for significant populations in India the importance of possessing legal identity was reported to be tenuous and remote. This was especially reported to be the case for individuals from rural areas, more economically deprived backgrounds, and those understood to be living 'traditional' or indigenous lifestyles:

*Are there any groups of people who aren't registered?*

Yes people who are staying in rural areas. Those people...who don't know anything: nomadic tribes, people in the slums, the rural people, indigenous people and villagers. People who...don't have interactions with legalities...they have their own systems. Birth registration is more about the world of legalities. The moment they have interactions with the legal system they need a birth certificate. But for the people who are away from the municipalities [government authorities] it is just meaningless. They don't have that interaction: the religious people, the rural people, the villagers.

*And do you think this causes any problems for them?*

No! They don't need that. They don't know about these things. For them, this system, these things, are obsolete. They have their own world. They can only have problems when they come into contact with the legal world; when they come down from their own society to the legal world.<sup>102</sup>

In this passage, participants point out that legal identity (and birth registration) may not currently be (concretely) relevant for some groups of people, but it might become so in the future, in the case that they come into contact with 'the world of legalities.' In fact, across all case studies the (emerging) importance of birth certificates and other identity documents was consistently linked to transitions from 'traditional' life to 'modern' lifestyles, as well as access to economic opportunity and mobility (travel): 'in the future I might need a birth certificate for travel outside Sierra Leone';<sup>103</sup> 'I have never used my birth certificate for anything, but in case there is any privilege or development in society we will need one.'<sup>104</sup>

*And why is the birth certificate important?*

To have a birth certificate is increasingly important; we are linking into a global world and it brings opportunity. It is always good to follow the procedure. It gives people discipline when they do the right thing at the right time.

*Is it more important to have one now than it was 20 years ago?*

Yes because of development. 20 years ago people were doing small things around there. Initially very few people used to register but now things are changing – the way of life, the economy.<sup>105</sup>

These ideas were also reflected in discussions concerning barriers to registration, and the difficulties associated with establishing functioning, universal birth registration systems. Participants, particularly in Sierra Leone and Kenya, explained that some people did not want to register births because of 'tradition' and 'religion': 'you don't count human beings, this is a taboo inherited from our forefathers';<sup>106</sup> 'the Turkanas do not count children the way they

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<sup>101</sup> Individual interview, mother, Laambie Community, Port Loco, Sierra Leone, 18<sup>th</sup> July 2013.

<sup>102</sup> Focus group discussion, fathers, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>103</sup> Focus group discussion, children, Wellington Community, Freetown, Sierra Leone, 13<sup>th</sup> July 2013.

<sup>104</sup> Focus group discussion, Newmaforki Chiefdom, Port Loco, 17<sup>th</sup> July 2013.

<sup>105</sup> Member of staff, Primary School, Greater Nairobi (Urban), Kenya, 3<sup>rd</sup> September 2013.

<sup>106</sup> Interview, representative from the Ministry of Health, Freetown, Sierra Leone, 19<sup>th</sup> July 2013.

do not count animals – they don't like it';<sup>107</sup> 'the nomadic population does not value education, they value herding animals, and they are moving so it is hard to keep track of them.'<sup>108</sup> These quotes imply associations between birth certificates and 'official' systems and a 'modern' lifestyle; and the idea that 'traditional' groups of people are 'unenlightened about' the value of these new systems.

On the broader issue of legal identity, according to participants, possessing legal identity is becoming ever more important in the context of economic growth, government expansion, globalisation, and increasing mobility, migration and displacement. In countries where the size of communities is expanding, and populations are becoming more changeable and diverse, formal forms of identity and information may become increasingly important (in industrialised societies the individual is more likely to be anonymous). A young Vietnamese woman who had migrated from her hometown to Hanoi explained why in Hanoi it was more difficult for her to prove her identity to qualify for government support; 'In my home town the committee knows my situation – I am poor – but here [in Hanoi] they don't know my circumstance.'<sup>109</sup> In relation to birth registration more specifically, another participant neatly surmised: 'a birth certificate has an important role to play in terms of information; especially in this modern age.'<sup>110</sup> These findings resonate with current literature on birth registration which argues that:

'the impact of lack of a birth certificate on the individual is becoming ever more evident in the modern world...The impact of globalization, trade liberalization, economic shocks, war, natural disasters and climate change has led to an acceleration of cross-border population movements worldwide, including mixed migration. The situation of the growing number of persons who have no documented identity or are stateless is serious. Internationally, greater attention to identity and security issues is reflected through initiatives...that seek to address illegal migration.'<sup>111</sup>

The last sentence of this quote also reflects findings from the field research with regards to a connection between legal identity and issues of migration. In all four country contexts included in the study, legal identity documents, including birth certificates, were linked by participants to the need to identify migrants or refugees, where they come into contact with legal systems or formal services. For example in Kenya participants explained: 'there are many refugees here, [birth registration] helps to know who is Kenyan, and who is not. To know who is a citizen';<sup>112</sup> 'because of the challenges of refugees [birth registration] is very important. Being near Somalia it's more important than ever before. I even know in your country [birth registration] is the way they prevent people from getting green cards!'<sup>113</sup> In Sierra Leone, it was reported that a birth certificate could be used in order to identify a non-Sierra Leonean national on arrest, to determine how that person would be treated within the criminal justice system. In Vietnam, migrant youth reported that identity documents, including birth certificates, may be used by employers to identify 'foreigners' to the area: 'because they prefer [to employ] people from the area.'<sup>114</sup>

Furthermore, lacking documentation was sometimes seen by respondents as evidence that an individual is an

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<sup>107</sup> Interview, representative from World Vision, Nairobi, Kenya, 4<sup>th</sup> September, 2013.

<sup>108</sup> Interview, representative from World Vision, Nairobi, Kenya, 4<sup>th</sup> September, 2013.

<sup>109</sup> Focus group discussion, internal migrant children, Hanoi, 15<sup>th</sup> August 2013.

<sup>110</sup> Interview, Community Elder, Freetown community, Sierra Leone 13 July 2013.

<sup>111</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

<sup>112</sup> Focus Group Discussion, Parents, Riruta, Nairobi, Kenya 5<sup>th</sup> September 2013.

<sup>113</sup> Interview, Assistant Chief, community near Nairobi, Kenya, 3<sup>rd</sup> September 2013.

<sup>114</sup> Focus group discussion, internal migrant children, Hanoi, 15<sup>th</sup> August 2013.

(illegal) migrant and therefore not entitled to the legal rights of residency or citizenship. For example, a local NGO in Mumbai, focused on supporting the vast (and growing) numbers of migrants living in informal settlements in slum areas of the city of Mumbai, explained to researchers that:

‘We don’t work with those people who don’t have any documents altogether, because we are considering them illegal Bangladeshi migrants. Our focus is supporting people who do have those citizenship entitlements, to access the specific documents that they need to claim them. Those people who don’t fit into any category [of legal identity] are treated as illegal Bangladeshi migrants and the government harasses them.’<sup>115</sup>

These findings support the theoretical analysis that legal identity is critically important for protecting *citizenship* rights, but not necessarily *human* rights more broadly. In fact identity documents may be used for facilitating restrictions or refusal of rights of individuals, especially those who are considered to be ‘illegal’ migrants. In sum, legal identity documents may be used to determine whether the bearer can claim access to services, legal protections, and other benefits of citizenship, residence and other legal status. However, when read together with law and policy, this may indicate who is included in a state and society and *who is not*.

### 4.3. Legal identity: conclusions

Legal identity is a direct and important benefit of birth registration; as it provides official government recognition of a child’s existence and identity. A birth certificate provides *proof* of a child’s identity, and can be used to access other important legal identity documents, such as passports, national identity cards, voting cards and others; as well as a range of rights, services and entitlements that (depending on the context) may be used to claim rights, entitlements and benefits that are afforded to a child (person) as a result of that identity. While birth registration is not the only way of establishing legal identity, it is one important means by which an individual may establish their legal identity, right from the moment of birth.

Birth registration does not necessarily confer legal residency or citizenship on a child. However, possessing a birth certificate has a strong relationship with a child’s (person’s) ability to claim their citizenship or residency rights; a birth certificate provides proof of a person’s place of birth, as well as the identity of their parents (the two legal principles according to which states around the world grant citizenship rights). Nevertheless, whilst birth registration may provide a ‘ticket to citizenship’<sup>116</sup> or other legal status for ‘eligible’ groups, it does not necessarily promote *human* rights, as much is dependent on the approach taken by different states to fulfill internationally agreed human rights.

Whilst birth registration and legal identity were currently found to have more relevance in the lives of more urban, affluent populations, official proof of identity is likely to become increasingly important in the context of economic growth, globalization and as formal governance structures expand. UNICEF has pointed out that: ‘in many low-income countries, even in remote rural areas, proof of identity is required for the acquisition of a mobile phone.’<sup>117</sup>

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<sup>115</sup> Focus group discussion with staff from a local NGO, Mumbai, 9<sup>th</sup> September 2013.

<sup>116</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

<sup>117</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

One participant from Sierra Leone neatly surmised: ‘a birth certificate has an important role to play in terms of information; especially in this modern age.’<sup>118</sup>

## 4.4. Legal Identity: Recommendations

### 4.4.1 A contextual approach to birth registration

While birth registration is a right of all children under the United Nations Convention on the Rights of the Child, the substantive significance of birth registration varies according to the context. Lacking birth registration (and legal identity more broadly) appears to have the most severe impact on specific groups of children. Therefore, it is recommended that:

- **Where children are at risk of exclusion through lack of a birth certificate, efforts should be made to facilitate birth registration among the most vulnerable and excluded. This could include:**
  - **Advocating for the removal of barriers which hinder access to birth registration and legal identity, such as penalties, fees, and other restrictions, and for simplifying birth registration procedures.**
  - **Encouraging governments to introduce a range of flexible procedures to support individuals to obtain birth certificates and other legal identity documents.**
- **More broadly, given the established link between birth registration and legal identity, there is a need to focus any birth registration programmes on supporting non-registered children in those contexts where birth registration and legal identity have substantive significance and are concretely attached to rights and benefits.**

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<sup>118</sup> Interview, Community Elder, community near Freetown, Sierra Leone 13 July, 2013.

## Chapter 5: Access to Services

### 5.1. Expected relationship: birth registration and access to services

Historically, much of the existing literature on birth registration has focused on the relationship between birth registration and an individuals' ability to access basic services such as education, health care and social security. One of the central tenets of Plan's 'Count Every Child' Campaign has been that 'if they can't prove who they are and where they come from, a child may be denied access to health services or education.'<sup>119</sup> According to UNICEF's Executive Director, Anthony Lake in a statement given at a high level panel discussion on birth registration at the United Nations: '[birth registration] unlocks the door to healthcare, to education and to social benefits.'<sup>120</sup> Indeed, UNICEF maintains that birth registration is critical to fulfilling social, economic and cultural rights, as well as the civil and political rights of children. Their recent handbook on birth registration notes that 'a birth certificate may be required to obtain access to basic services such as health and education.'<sup>121</sup>

There is existing evidence that indicates an 'association' between birth registration and access to services. Several studies have explored the possibility of an association between rates of birth registration and higher school enrolment and retention rates and whether this exists independently of mandatory registration policies.<sup>122</sup> Quantitative studies have revealed correlations between immunisations and birth registration, due to the emerging practice of using the provision of health services as an opportunity for registering births.<sup>123</sup> However as noted by the Asian Development Bank in a study on legal identity, which considered the impact of birth registration on access to services in developing countries: 'In considering the role of birth registration in improving the living standards of vulnerable populations, correlation should not be confused with causation.'<sup>124</sup> It is often the case that as birth registration rates increase, provision of and access to basic services also increases, however, both of these trends may be caused by the expansion of governance, which is likely to include both increased service provision and increased registration of births.

The first reason why birth registration may be important for accessing services is that, in some countries, a particular law, policy or practice requires individuals to produce birth certificates to prove eligibility. Access to these services, such as education, health, social security benefits, and other services are, in some countries, made conditional on age or parentage. The relationship between birth registration and access to services may also take

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<sup>119</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd.

<sup>120</sup> UNICEF (2012) UNICEF reports on a discussion about the importance of birth registration, at United Nations Headquarters in New York. Available from [http://www.unicef.org/protection/57929\\_66343.html](http://www.unicef.org/protection/57929_66343.html) [Accessed May 2014].

<sup>121</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

<sup>122</sup> Corbacho, A, Brito, S and Osorio Rivas, R (2012) *Birth Registration and the Impact on Educational Attainment*, Inter-American Development Bank, p.1.

<sup>123</sup> UNICEF (2005) *The 'Rights' Start to Life: A Statistical Analysis of Birth Registration*, UNICEF, New York. Also, a study by the Inter-American Development Bank published in 2013 looks at quantitative data on the relationship between birth registration and education/immunisations in Latin America and the Caribbean. However, it was published after this research was conducted and is therefore not fully referenced in this report (Corbacho, A, Brito, S, and Osorio, R. (2013) *Birth Registration: the Key to Social Inclusion in Latin America and the Caribbean*, Washington, USA, Inter-American Development Bank).

<sup>124</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p.8.

other forms. Some have suggested that enforcing birth registration laws may have a positive impact on the ‘quality’ of service delivery, for instance by addressing the problem of age-grade incongruence in school.<sup>125</sup> It has also been argued that the information provided by birth registration data can improve the effective delivery of services, and thus increase access. Accurate data about the distribution of the population obtained through an effective civil registration system may also allow the government to plan and distribute resources more effectively. For example, according to the World Health Organisation (WHO): ‘vital statistics are used to derive the fundamental demographic and epidemiological measures that are needed in national planning across multiple sectors such as education, labour and health.’<sup>126</sup> This issue will be discussed more fully in Chapter 7. Public health practitioners have further suggested that birth registration data can increase the provision of health services by helping practitioners to deliver services directly to individuals; those advocating for the use of birth registration to promote access in this way point out that a child who is not registered will be ‘invisible.’

This chapter focuses on exploring whether a child’s possession of a birth certificate can facilitate their access to education and health services (the individual perspective), while Chapter 7 on Government Planning explores research findings related to the planning and distribution of services (the State perspective). It must be noted that some of the findings in this chapter reinforce the findings in Chapter 7. The research focused on studying the relationship between birth registration and education and health, because these are the services that tend to be most important to children and families,<sup>127</sup> and because they are the areas of service delivery most relevant to Plan’s programming. In addition, recent quantitative data was available, and sufficiently detailed, to study the relationship between birth registration and education and health services. The Kenya case study was selected to explore in-depth the relationship between birth registration and access to services, therefore much of the detailed qualitative data below comes from Kenya. Where relevant, however, examples have also been included from other countries and contexts.

This section will also analyse findings resulting from a multivariate analysis of DHS data on birth registration and key development indicators relating to health, and a multivariate regression analysis on birth registration and education indicators using Plan’s sponsorship dataset. Data from Kenya, Sierra Leone and India<sup>128</sup> has been used for this purpose as explained in the methodology in Chapter 2.

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<sup>125</sup> Hossain, A. (2010) *Age in Grade Congruence and Educational Attainment in Rural Bangladesh* [online] Dhaka, Institute of Educational Development BRAC University. Available from:

[http://www.dfid.gov.uk/r4d/PDF/Outputs/ImpAccess\\_RPC/PTA48.pdf](http://www.dfid.gov.uk/r4d/PDF/Outputs/ImpAccess_RPC/PTA48.pdf) [Accessed January 2104] p.2.

<sup>126</sup> World Health Organisation (2010) *Improving the quality and use of birth, death and cause-of-death information: guidance for a standards-based review of country practice* [online]. Available from:

[http://www.uq.edu.au/hishub/docs/WP01/WP\\_01.pdf](http://www.uq.edu.au/hishub/docs/WP01/WP_01.pdf). [Accessed May 2014].

<sup>127</sup>As put by the Asian Development Bank, ‘education and healthcare are among the most basic and critical services a government can provide its people. The implications of access to health and education are wide reaching. A compelling body of research links health care to economic growth and development.’ Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p11.

<sup>128</sup> As explained in Chapter 2 quantitative analysis was not conducted for Vietnam because birth registration rates are too high to draw meaningful conclusions based on statistical data.

## 5.2. Research findings: access to education

Primary education is ‘officially’ free and mandatory in all the countries in this study, namely, Sierra Leone,<sup>129</sup> Kenya,<sup>130</sup> India<sup>131</sup> and Vietnam,<sup>132</sup> however, it is necessary to pay fees to attend secondary school. Private (fee-paying) primary education is also available in all four countries. In Vietnam and Kenya, national policies require children to possess birth certificates at different stages within the education system in order to access services.

In **Vietnam** a birth certificate is necessary to enrol in both preschool and primary school. Household registration within the local area is also required. It may be possible for a child to attend school outside of their local area in ‘special circumstances,’ when there is space at the school and they are able to bring a formal ‘introduction letter’ from their previous school or the commune administration where their household was originally registered.<sup>133</sup>

**Kenya’s** Education Act of 2013 states that ‘No child shall be denied admission in a school or basic education institution for lack of proof of age.’<sup>134</sup> However, researchers were informed that in 2009, the Kenyan Government introduced a measure that makes the presentation of a birth certificate a mandatory requirement in order to register for national examinations, and thus obtain school qualification certificates.<sup>135</sup>

In **Sierra Leone** and **India**, birth certificates are not formally required at any stage of the education system through national policy. In fact, in India, the ‘Right of Children to Free and Compulsory Education Act’ (2009) states that where a birth certificate is not available for the purposes of admission, alternative documents or a ‘declaration of the age of the child’ will be accepted.<sup>136</sup> According to the Ministry of Education in Sierra Leone, there is no policy requiring a child to have a birth certificate in order to enter school, nor is there any policy that requires the presentation of a birth certificate (or other identity document) at any stage of the education system in Sierra Leone.<sup>137</sup>

### 5.2.1 Birth certificates formally required to access education (national policies): Kenya & Vietnam

Official policies in Vietnam and Kenya make it mandatory for a child to produce a birth certificate in order to access or complete education.

The policy to present a birth certificate in order to register for national examinations in Kenya is surprising given that registration rates are only at 60%, placing a significant proportion of children at risk of exclusion from exams. Though findings indicate it is precisely because of the low registration rate that the new Kenyan requirement of a

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<sup>129</sup> Education Act (2004), Sierra Leone.

<sup>130</sup> The Basic Education Act (2013), Kenya.

<sup>131</sup> The Right to Education Act (2009) mandates free and compulsory education for all children ages 6-14 years in India.

<sup>132</sup> Article 11, The Education Law (2005)

<sup>133</sup> Interview, representative from the Department of Education, Hanoi Province, 13<sup>th</sup> August 2013.

<sup>134</sup> Article 33, Education Act.

<sup>135</sup> Interview, representative from the Ministry of Education, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>136</sup> Article 9, Right of Children to Free and Compulsory Education Act (2009).

<sup>137</sup> Interview, representative from the Ministry of Education, Sierra Leone, July 2013.



birth certificate was introduced, in order to increase the level of birth registration. In Vietnam registration rates are much higher (95%), however, the policy requiring a birth certificate to enrol in preschool and primary school still risks excluding the *most* vulnerable children from school, given that children from marginalised populations are the least likely to be birth registered.<sup>138</sup> A recent story published in the Inter Press News Agency in 2013 reported a case of a boy from a nomadic (floating boat) family who (allegedly) was not able to attend school until he obtained a birth certificate at the age of 13 years.<sup>139</sup>

The research findings in Kenya revealed confusion amongst officials and practitioners about how to implement the education policy's strict (official) requirements, given that a substantial number of children lack birth certificates. Whilst parents and children interviewed in the research reported that the policy is strictly implemented and that children without a birth certificate are unable to register for exams: 'they do turn children away',<sup>140</sup> teachers and heads of school explained that in practice the requirement is implemented flexibly and inconsistently.

The following table gives an overview of participants' responses concerning the implementation of the Kenyan policy, and demonstrates the inconsistency in their experiences:

**Table 4: Implementation of Kenyan policy requiring a birth certificate to enter exams**

Location	Students	Parents	Teachers/Officials
<b>Riruta</b>	The policy is fully implemented: students have been excluded from exams for lack of a birth certificate.	The policy is fully implemented: incidents of exclusion have occurred.	The policy is implemented flexibly: students are not turned away.
<b>Kawangware</b>	The policy is fully implemented: incidents of exclusion have occurred.	The policy is fully implemented: incidents of exclusion have occurred.	The policy is fully implemented: incidents of exclusion have not occurred because all children are ultimately registered.
<b>Msambwani</b>	The policy is fully implemented: some people do not take the exam.	The policy is fully implemented: Exclusion does not occur because students are sent away to get birth certificate before exams.	The policy is implemented flexibly: students are not turned away.
<b>Kinango</b>	The policy is implemented flexibly: 'Once you pay the exam fee they will let you take the exam.'	The policy is implemented flexibly: children might be turned away in secondary school, but never in primary school.	The policy is implemented flexibly: students are not turned away.

<sup>138</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines.

<sup>139</sup> Inter Agency Press (n.d.) *Population Vietnam: Government Steps Up Birth Certificate Campaign* [online] Available from: <http://ipsnews2.wpengine.com/2001/12/population-vietnam-govt-steps-up-birth-certificate-campaign/> [Accessed January 2014].

<sup>140</sup> Focus group discussions with parents in Nairobi and Kwale, Kenya, September 2014.

As the table indicates, most respondents involved in the administration of the policy (teachers/officials) maintained that children would not be denied entry to exams without a birth certificate, either because ‘an exception would be made’ or because everyone has (the opportunity to get) a birth certificate: ‘we make sure everyone has a birth certificate - you are given time to look for it.’<sup>141</sup>

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*Are any students ever excluded from taking exams?*

We have not had a situation where [students] are excluded but there is not an exception so if a student isn’t registered the head teacher can give a letter to the registrar to say the child is a resident to get the certificate – it’s on the school administration to give it to the civil registrar. A lot of certificates are issued at this stage. It is hard on us the teachers.<sup>142</sup>

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*Are there students without a birth certificate? Are they excluded from exams?*

Not really, they’re not enforced, but they are pushing them to have a birth certificate...Exclusion has not been happening – before the time of the exam they have a hard time where they go to search for the birth certificate – if they cannot find it, they still take the exam.<sup>143</sup>

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*Is the policy strictly implemented?*

You have to create a balance – I don’t expect parents to get a leeway. We do not make any exceptions – we have to abide by the law.

*Do you worry about exclusion?*

So far if you are unable to have a birth certificate you are given time to look for it ... you are the problem yourself... Our students are prepared psychologically even before they are registered for education – they are prepared in year 4 and year 5. They know you need to get the birth certificate before that. With all three categories you can get it – if not you are not ever ready to take the exam. You have to go up and down.<sup>144</sup>

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*Are you concerned that children who do not go to school will not be registered?*

No – you can reach them through the church and the community gatherings. You can register. Education is now compulsory so if they find your child is not in school you can be punished, you can be held to account. With the combination of this and the registration in school initiative, we feel every child will be captured.<sup>145</sup>

In general, it seems that, in order to avoid exclusion of students without birth certificates, many teachers play a role in helping to facilitate registration, or in reminding and pressuring parents to register their children. The interviews therefore indicated that as a result, many students obtain birth certificates just prior to taking their school exams. This is aided by the fact that the Ministry of Education has introduced a requirement that students enrol for their

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<sup>141</sup> Individual interview, representative from the Department of Education, Kwale, Kenya, 9<sup>th</sup> December 2013.

<sup>142</sup> Individual interview, headmistress, primary school, Nairobi, Kenya, 27<sup>th</sup> August 2013.

<sup>143</sup> Individual interview, representative from Local Administration Office. Kwale, Kenya, 9<sup>th</sup> September 2013.

<sup>144</sup> Individual interview, representative from the Department of Education, Kwale, Kenya, 12 September 2013.

<sup>145</sup> Interview, representative from World Vision, Nairobi, Kenya, 1<sup>st</sup> September 2013.

exams in primary education (KCPE) in Class Seven before sitting for exams in Class Eight. Likewise, a similar requirement was introduced for students sitting for secondary school exams (KCSE) in Form Four to register in while in Form Three. This provides nearly one year for any child not yet registered to acquire a birth certificate.

In Vietnam, respondents could not imagine that any exception would be made for children without a birth certificate to enter school. When researchers asked what would happen to unregistered children, respondents could only emphasise in most instances this is not an issue, because ‘all children are registered.’ It seems unlikely that this is the case, given that respondents acknowledged that there are circumstances when a child may not be registered (see Chapter 3: Birth Registration Systems)<sup>146</sup> and official statistics indicate that 5% of children in Vietnam are unregistered.<sup>147</sup> Several respondents mentioned that the school administration themselves would facilitate the registration of the child at the point the child attempted to access school (similar to the Kenya case), and acknowledged that this could cause delays in admission.

The policies in Vietnam and Kenya create a direct link between birth registration and access to schooling, which creates a risk of excluding children from entering and accessing education; as a result they are difficult to justify from a rights-based perspective, despite the Kenyan example having substantially increased the number of children requiring birth certificates.

The research went on to consider why governments are interested in requiring birth certificates for access to education. It seems that in Kenya the policy has been introduced in order to ‘incentivise’ registration. An Officer at ICF International,<sup>148</sup> a member of the Technical Working Group on Civil Registration (TWG) (a public-private partnership between organisations advocating for the improvement and expansion of the civil registration system in Kenya) explained: ‘the policy was about creating an incentive for people to register.’ It was born when a Ministry of Education official attended a TWG meeting to discuss how they could support the TWG priority of strengthening the civil registration system by increasing registration rates: ‘school was seen as an opportunity to catch children’s information.’<sup>149</sup> The strategy focused on creating demand for birth registration. This was confirmed by the Kenyan Ministry of Education at the national and district level:

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<sup>146</sup> Including that their parents are early married; they are born in a location different to their parents’ permanent residence; they are 3<sup>rd</sup>, 4<sup>th</sup> etc. born children; they are born in a remote location; they are of disputed nationality and so forth.

<sup>147</sup> According to MICS 2011, the most recent data on birth registration in Vietnam. Child Info (n.d.) *Statistics by area: child protection* [online] Available from: [http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014].

<sup>148</sup> ICF International are part of a USAID funded consortium leading the development of CRVS in Kenya: <http://www.icfi.com/>

<sup>149</sup> Interview with representative from ICF International, Nairobi, 6<sup>th</sup> September 2013.

Was the goal of the policy to incentivise registration?

Yes, it was.<sup>150</sup>

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How did the policy come about?

The Ministry of Education was influenced by the director of this department because birth registration was being forgotten. The goal was to raise awareness about the importance and raise coverage. The government issued a directive that a birth certificate is required for examination and enrollment.

And has that been successful?

Gradually, yes.<sup>151</sup>

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When the technical working group formed, we realised there was a problem with poor coverage. A Ministry of Education official came to the working group to see how he could support us. School was seen as an opportunity to catch children's information. But when it was implemented the department was overreached. Its capacity was weak. We also want to make it more efficient...<sup>152</sup>

Government officials, at all levels, indicated that the directive on requiring a birth certificate to register for examinations is being expanded to apply to enrolment also:

Is a birth certificate mandatory for enrolment?

It is – this was the second step in our initiative, although I think a small number are enrolling without registration papers.<sup>153</sup>

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I would like to clarify the policy. Is a birth certificate required for enrolment?

A National Strategic Plan on Birth Registration is being developed. One key issue is to make sure it becomes a policy for enrolment. Some schools have taken it on as a silent policy, but government has not because in rural areas people aren't registered. The government says if they implement the policy free and compulsory education will be challenged. But we say, put it as a policy.

Why is it that you want to make the presentation of a birth certificate compulsory for enrolment?

When you make it a policy it becomes compulsory, it becomes a must – you are creating a demand for birth certificates. At that point it is easier to register children – easier for families to do registration. In high school it is more difficult because parents give false information. They believe if you hide the age it will help the child to get a job. And we are pushing ... you know... it's the right of the child.<sup>154</sup>

Despite the intention to ensure all children are registered, thus facilitating the issuance of ID cards and passports at a later stage in life, the Kenyan approach to increasing registration does pose some risks in that it could inhibit

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<sup>150</sup> Interview with representative from Ministry of Education, Nairobi, Kenya, 6 September 2013.

<sup>151</sup> Interview with representative from Civil Registration Office, Kwale, Kenya, 2013.

<sup>152</sup> Interview with representative from ICF International, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>153</sup> Interview with representative from Ministry of Education, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>154</sup> Interview with representative from World Vision, Nairobi, Kenya, 1<sup>st</sup> September 2013.

access to education for vulnerable children; it also means that the push for increased registration is not happening at the point of birth, but at the moment of school exams (as indicated by respondents). This means that of the 40% of children who are currently unregistered at birth, those who do not pass through school are not targeted by the government's registration policy, and are therefore more likely to remain unregistered. Although a positive trend is shown in Kenya by the rise of birth registration overall, the impact of this is likely to be further exclusion of the most vulnerable children, especially if, in the context of higher *overall* rates of registration, birth certificates become increasingly required to access services and other opportunities. The research indicates this trend. The TWG themselves expressed concern that many marginalised children were not being 'caught' by the policy. Furthermore, despite making a birth certificate a requirement for exams, the impact of the policy has been limited due to the government's limited capacity to provide birth registration, especially in remote areas. According to respondents, in the first years of the policy, those seeking a birth certificate would 'stand in line for a day and then be sent home.' A Ministry of Education representative also acknowledged that 'in the past two years there has been a big back log because of this policy.'<sup>155</sup>

To summarise, in situations where schools require children to have birth certificates in order to enrol in school, children who do not have certificates are at risk of being excluded from education. This situation could be redressed *either* by issuing children with birth certificates, *or* by advocating for less exclusive entry requirements. It is important that incentives intended to increase birth registration do not hinder the realisation of other rights or create further barriers to access for particularly marginalised groups.

In Vietnam researchers were not able to gather information on the origin or purpose of the education policy stipulating that a birth certificate is a requirement to attend pre-school and primary school (although the impact of the education policy on uneven and discriminatory registration rates is less of a concern because the vast majority of children are being registered at birth). However, given other findings concerning the birth registration system, the policy is consistent with a general climate of strong regulation and government management of the population, including access to services. In particular, respondents often noted the role that birth registration plays in monitoring and controlling informal or illegal migration, as generally, a child may only enrol in a school in the same location where the birth as well as the household are registered. Respondents in Kenya also suggested that the push for birth certificates may be being used as a method for identifying (and restricting the access of) migrant children: 'Foreigners are taking advantage of our education system ... they will be allowed to take the national exam, but they must follow the correct procedures.'<sup>156</sup> In Kenya non-nationals must pay fees to access education services.

### **5.2.2 'No official (national) policy': birth certifications and access to school (Sierra Leone & India)**

Across all case studies, when respondents were asked to name instances when a birth certificate is needed, 'for school' was the most common response.<sup>157</sup> Even where there is no policy that makes a birth certificate a requirement for accessing education, such as in Sierra Leone and in parts of India, many respondents, particularly children, are under the impression that a requirement exists. Other studies have found educational enrolment to be

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<sup>155</sup> Interview with representative from Ministry of Education, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>156</sup> Interview with representative from Ministry of Education, Kwale, Kenya, 12<sup>th</sup> September 2013.

<sup>157</sup> To get a passport was a close second.

one of the most common examples given by respondents when asked why it is important to register a child.<sup>158</sup> The perception that birth registration is important for school enrolment is strong, even in places where a birth certificate is not required for this purpose. Most participants in Sierra Leone reported that enrolment in school is one of the central purposes or uses of a birth certificate. However, they also generally assumed children would be able to access school without one. Parents explained that they could arrange for a certificate from the hospital or simply ‘tell the admissions officer the child’s date of birth.’ In one community in Freetown (Wellington) some unregistered children reported having to pay a small fee to enter school without a certificate. It was unclear whether this fee was obtained through illicit means, or whether it was an official levy.

Similar to the official policies of Kenya and Vietnam, the informal practices of asking to see children’s birth certificates for school enrollment in India and Sierra Leone may be a result of efforts to incentivise birth registration. The unofficial policy or perception that a birth certificate is required to enter school in the absence of a formal law or policy may be due to awareness raising campaigns conducted by NGOs that stress the importance of birth registration; as put by a member of staff from Plan in Sierra Leone: ‘the attitude of the people needs to change; they need to see it [the birth certificate] as an effective tool. They think it is just a piece of paper but that needs to change because they will need it for many things.’<sup>159</sup>

This was also confirmed by the excerpt from a focus group discussion with children in the Port Loko region in Sierra Leone;

*When children go to school do they ask for a birth certificate?*

Yes. The teachers ask.

*And what if they don’t have one?*

The teachers ask us to get one at the nearest health center.

*Why do they do that?*

In this community it’s a new practice.

*What started the practice?*

Plan held that meeting telling the importance of those birth certificates.<sup>160</sup>

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When we went to school we had to present the birth certificate. We showed it so they could know our age, so they could know when we were born.

*Why did they want to know?*

In case a visitor comes round the visitor would want to know.

*Why would the visitor want to know?*

Because of the NGOs.

*Why would the NGOs want to know?*

They want to know the age of the people they are trying to help.<sup>161</sup>

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<sup>158</sup> Childhood enhancement through training and action (2009) *Ensuring Identity to Street and Vulnerable Children: A study to identify status, extent and issues related to birth registration of children in difficult circumstances* in association Plan India

<sup>159</sup> Interview with Plan member of staff, Port Loko, Sierra Leone, 17 July 2013.

<sup>160</sup> Focus group discussion, children, Kambie community, Port Loko, Sierra Leone, 19 July 2013.

<sup>161</sup> Focus group discussion with young teens (9-16), Lungar community, Sierra Leone, 18 July 2013.

Similarly, in rural and urban areas studied in Maharashtra State in India, participants reported that a birth certificate is mandatory in order to enrol in school, even though according to the law, it is not. Unlike Sierra Leone where parents and children believe that a birth certificate is generally necessary in order to access school, but where children are never turned away from school for this reason in practice, in India, respondents reported that children would be unable to enrol in school due to their lack of a birth certificate. Many respondents were under the impression that exclusion is not an issue because ‘all children are birth registered.’ This is not the case, however as the following interview in India demonstrates:

*So do you know of cases where children have not been able to attend school because they do not have a birth certificate?*

No. That doesn’t happen often.

*Are there any children who aren’t registered?*

These are children who are living below the poverty line... these are children from the slums.<sup>162</sup>

The participants’ response seems to suggest that the portion of the population that is unregistered in Maharashtra is more marginalised and not attempting to access education in the first place. There is some evidence that incidents of exclusion may have occurred. One interviewee in Mumbai told researchers that she had helped her neighbour’s children to register after they had been unable to access school due to not having a birth certificate (the family had migrated from a rural area to the city).

In Uttar Pradesh (a more deprived and less developed state, with lower registration rates), many school staff and authorities believe that they are ‘supposed’ to be asking to see birth certificates, even though they do not always do so in practice because of low registration rates across the State. Other respondents mentioned that some schools are adopting a ‘silent’ or unofficial policy on birth registration, according to which it is necessary for children to produce a birth certificate in order to enroll in school. There were reports of children being refused entry into school because of lack of official documents, as well as reports of children being charged an extra ‘fee’ or bribe in order to enter school without a birth certificate. For the most part, however, parents and families did not seem to consider identity documents to be important for determining a child’s eligibility for school. Instead, whether the child could ‘talk’, the physical size of the child, and the ability of a child to touch her ear over her head were all described as common/customary methods of determining a child’s age, and their readiness for school.

To summarise, even in countries where a birth certificate is not required for schooling (Sierra Leone and India), many participants reported that it is a requirement. This perception may be related to sensitisation efforts by government and NGOs. However it has had some unintended consequences including arbitrary restrictions such as admission being delayed or the imposition of a fine.

Furthermore, in both India and Sierra Leone, birth certificates have come to be associated with ‘official’ procedures, development and modern lifestyle; in the words of one participant: ‘In case there is any privilege or development in the community, they will ask you for a birth certificate.’<sup>163</sup> People may choose to show birth certificates or ask to see them, because a formal process involving official documents and bureaucratic procedure is seen as valuable in itself. According to some respondents, in both India and Sierra Leone birth certificates are especially required to

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<sup>162</sup> Focus group discussion, father, Mumbai, Maharashtra, 17<sup>th</sup> September 2012.

<sup>163</sup> Interview, male adult, Tombo Community, Freetown, Sierra Leone, 15 July, 2013.

enroll in secondary school and elite institutions: ‘when people go local schools, schools that are not particular, a child can get to school without a certificate. But it is those higher institutions, that higher education, at that point of time they need a certificate.’<sup>164</sup>

This fits generally with the idea (explored in Chapter 4 on legal identity) that birth certificates are important for city life, ‘modern’ activities, and opportunities that are associated with greater levels of official status and even prestige. These associations may reinforce social, cultural and economic barriers for marginalized (‘rural’ / ‘traditional’) groups that have been historically excluded from accessing services. As one group of participants explained:

‘...birth certificates are a basic requirement. But if you have the money and influence you can solve anything. Money is given and the rules are easily broken.’ (India)<sup>165</sup>

Another group explained:

Birth certificates are required for admission. They have certain criteria they look at, like the year of birth.

*What happens if the child is not admitted at the right age?*

Well Government schools are not stringent about the rules.

*You mentioned certain ‘criteria’ they look at – is it only age?*

They look at the parents’ level of education; where the parents studied. They look at your caste certificate and your bank statement...it creates barriers for children from less advantaged backgrounds. They are automatically screened out.<sup>166</sup>

Participants also considered birth certificates to be important for school enrolment as they can enable schools to determine whether children are entering school at the correct age, and allow them to place children at the most suitable level for their age/ability. A representative from the Ministry of Education in Sierra Leone articulated this as one of the ministry’s priorities: ‘[with birth certificates] you would be able to synchronise the ages [of children]. When they have the certificate of their birth...it will help the school administration, you understand, to place them in an orderly manner.’<sup>167</sup>

Similar responses were provided both by teachers, government and NGO workers in India, Kenya and Vietnam. There was a general feeling that more informal or traditional methods for assessing a child’s readiness for school (such as through their physical size and their ability to walk and talk) are not compatible with ‘modern,’ quality education services. In India for example, children are traditionally thought to have reached the age of school when they are able to place their arm over their head and touch their opposite ear. Many respondents pointed out that this is a flawed approach for determining a child’s readiness for school, because children’s physical size is not necessarily indicative of their intellectual development, and that children from poorer backgrounds are often smaller than other children.

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<sup>164</sup> Interview, youth, Mumbai, 15<sup>th</sup> September 2013.

<sup>165</sup> Focus group discussion, father, Mumbai, Maharashtra, 15<sup>th</sup> September 2013.

<sup>166</sup> Focus group discussion, mothers, Mumbai, Maharashtra, 16<sup>th</sup> September 2013.

<sup>167</sup> Interview, representative from Ministry of Education, Freetown, 15<sup>th</sup> September 2013.



There are many benefits to ensuring children enter school at the right age. It may be challenging for teachers to manage classes with different age groups and deliver age appropriate lessons; and it may be better for children to progress through education with their peers. Nevertheless, in contexts where education provision is limited, and many children experience significant barriers to accessing education, the need to ensure that services are standardised or implemented systematically should not override the need to ensure that education is as inclusive and accessible as possible. Children from deprived communities should not be prevented from entering education late, and to progress at their own rate. An representative from the Ministry of Education in Sierra Leone acknowledged that there may be a risk of older children being turned away from some (private) schools for this reason:

*Why would the private schools insist on seeing a birth certificate?*

Because of their high standards they want to make sure that teachers are not having to handle different ages in the same class room. That can create a host of education problems. It's about ensuring quality.

*Do you think they would turn away a child who wasn't the 'proper' age? Or would they try to place the child?*

I wouldn't want to go further on this.... but I imagine in a private school they would not like this. They are very conscious about the quality of the service.<sup>168</sup>

### **5.2.3 Correlations between education and birth registration: quantitative analysis of Plan's sponsorship dataset**

As discussed in Chapter 2, given a lack of nationally-representative data on birth registration status and education indicators, Plan's sponsorship dataset was used to examine this relationship. The methodology used within this analysis is explained in Chapter 2 and key results are presented below. Data tables displaying the results from the multivariate regression analysis can be found in Appendix B and a further exploration of this data, including the limitations, can be found within a forthcoming report.

#### ***India***

- A total of 49,437 records were analysed as a three-year balanced panel (2010 – 2012) for India.<sup>169</sup> The main findings, which were significant at the 5% level or less when controlling for other variables, indicate that birth registration has a positive association with attending formal education. The data suggests that, when compared with non-registered sponsored children:
  - A sponsored child with birth registration is 37% more likely to be attending formal education.
  - A sponsored child with birth registration is 130% more likely to be attending age appropriate education.

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<sup>168</sup> Interview, representative from Ministry of Education, Freetown, Sierra Leone, 15 September 2013.

<sup>169</sup> Whilst the sponsorship database holds five years of panel data on sponsored children from 2008 – 2012, this analysis focused only on panel data for three years (2010-2012) for India and Kenya and for two years for Sierra Leone (2011-2012). This is because sponsored children are added to the dataset year-on-year, not as a single cohort, therefore, a five-year balanced panel meant excluding a number of cases and significantly reducing the sample. However, a three-year balanced panel for India and Kenya and a two-year balanced panel for Sierra Leone ensured high samples for analysis.

- A sponsored child with birth registration is 71% less likely to discontinue school.
- A sponsored child with birth registration is 38% more likely to enrol in school at age 6.
- The data also show the significant influence of other variables on education status, for example:
  - Male sponsored children are significantly more likely to be in formal education, to be in age appropriate schooling and to be enrolled in school at age six when compared with female sponsored children. Male sponsored children are also less likely to discontinue school when compared with female sponsored children.
  - Sponsored children with access to better living conditions (as indicated by access to walls, roofs and toilets) are significantly more likely to be attending formal education, be attending age-appropriate schooling and enrol in school at age six.

## ***Kenya***

- A total of 50,364 records were analysed as a three-year balanced panel for Kenya (2010 – 2012). As with India, findings, which were significant at the 5% level or less when controlling for other variables, indicate that birth registration has a positive association with formal education. The data suggests that, when compared with non-registered sponsored children:
  - A sponsored child with birth registration is 50% more likely to be attending formal education.
  - A sponsored child with birth registration is 20% more likely to be attending age appropriate education.
  - However, birth registration is not a significant determinant of discontinuing school or school enrolment at age six.
- The data also show the significant influence of other variables on education status, for example:
  - The presence of a mother increases the probability of a sponsored child being in age appropriate schooling by 67%.
  - Male sponsored children are significantly more likely to be attending formal education and age-appropriate schooling than female sponsored children.

## ***Sierra Leone***

- A total of 9,572 records were analysed as a two-year balanced panel for Sierra Leone (2011-2012). As with India and Kenya, the findings indicate that birth registration has a positive association with formal education, although the relationship is not so pronounced. Aside from formal education, all findings were significant at the 5% level or less when controlling for other variables. The data suggests that, when compared with non-registered sponsored children:
  - A sponsored child with birth registration is 60% more likely to be attending formal education (although only at the 10% level of statistical significance).
  - A sponsored child with birth registration is 50% more likely to be attending age appropriate education.
  - A sponsored child with birth registration is 66% less likely to discontinue school.

- However, birth registration is not a significant determinant of discontinuing school or school enrolment at age six.
- The data do not show a significant influence of other variables on education status.

Before interpreting these findings, it must first be reiterated that the sponsorship dataset is not a representative sample of the wider population; therefore these findings must be considered within these boundaries. Children's outcomes are likely to be shaped by the fact that they are sponsored children and the sponsorship intervention itself - for example, a much higher number of sponsored children access formal education when compared with the wider population.<sup>170</sup> However, the strong and significant associations found between education outcomes and birth registration may be taken as an *indicator* of trends within the wider population and make interesting consideration regardless of the limitations.

#### **5.2.4 Understanding the quantitative analysis in the light of the qualitative research on access to education**

In consideration of what could be learnt from these associations and what they might reveal about the relationship between birth registration and access to education, the qualitative research indicated that in the three countries considered (Sierra Leone, Kenya and India), possession of a birth certificate did *not* have a direct relationship with school enrolment. As discussed, despite perceptions in all countries that birth certificates are relevant to schooling, the qualitative research did not reveal many cases where children are being denied access to school in practice because they do not have a birth certificate. This presents a challenge when drawing conclusions from the quantitative findings (presented above) and suggests that there could be further intervening variables to explain the strong and significant positive associations between birth registration and education.<sup>171</sup>

Indeed, findings do not provide evidence that being birth registered *causes* children to have improved access to education. There are a number intermediary factors that are likely to affect *both* a child's access to birth registration *and* their ability to access education which were not included as variables within the quantitative analysis (for example level of parental support) which may explain these associations. The qualitative research found these factors to be much more significant determinants of children's access to education and attainment of educational outcomes than possession of a birth certificate. It is also likely that many sponsored children have been exposed to messaging and programmes with regards to accessing both education *and* birth registration, which would explain the associations between the two.

Whilst there were occasions in the qualitative research when participants did claim that lack of a birth certificate was a reason why children weren't in school, deeper questioning revealed that there were probably more

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<sup>170</sup> It is also worth noting that overall, only a minority of sponsored children are not enrolled in formal education. In 2012: 2% of sponsored children in Sierra Leone were not in formal education; 1% of Kenyan sponsored children were not in formal education; and 8% of Indian sponsored children were not in formal education.

<sup>171</sup> As further explained within the methodology in Chapter 2, the following variables were controlled for within the analysis of sponsorship data: birth registration, age appropriate education, discontinued schooling, age six school enrolment, quality of housing, whether the child's mother/father is alive, whether there is a male/female carer, rural/non-rural children, language, sex, special circumstances, formal education.

fundamental issues/barriers to education at play. For example, one 8 year old girl in Sierra Leone initially told researchers: ‘they did not register me in school because I didn’t have a birth certificate. I don’t have one now, so I just [stay] at home.’ When asked if acquiring a birth certificate could help her return to school, however, she replied: ‘a birth certificate won’t have anything to do with my schooling. I am staying with my aunt. She doesn’t want me to go to school. I just do difficult work at home selling cheese balls.’<sup>172</sup> The finding that other factors also have a significant impact on education outcomes reminds us that birth registration must not be viewed singularly when considering access to services, but as one potential component of an integrated approach to the realisation of rights.

## 5.3. Research findings: access to health

### 5.3.1 The requirement of a birth certificate to access health services

#### *Birth certificate required to access (free) health care: Vietnam*

Vietnam was the only case study country where a birth certificate was found to play a role in facilitating access to health services. This is not because a birth certificate is required to access health services, but because, according to research respondents, a birth certificate is required to obtain a health insurance card. A health insurance card guarantees free health care to all children under the age of six years, and reduces costs of health care for other vulnerable groups: ‘having a birth certificate is essential for getting health insurance, which means that a child can get free health care under six.’<sup>173</sup> If a child (or adult) does not have a health insurance card he or she may still receive healthcare services, but such services must be paid for.

All families in Vietnam must register a child’s birth in the geographical area where they are officially resident (see Chapter 3: Birth Registration Systems) and must access and receive health services within that area. According to migrants interviewed in the field research, this poses significant problems for migrant families who have moved from their area of official residence. Several respondents (including both migrants and non-migrants) mentioned that the inability to register a birth in their new place of residence had restricted access to health care for migrants.<sup>174</sup>

#### *Will it cause your child any problems, not having a birth certificate?*

I am not too concerned that my child doesn’t have a birth certificate because he is still young and stays at home. By the time he is old enough to go to school I will register my marriage and get him a birth certificate. My only worry is if he gets sick. He has no health insurance.<sup>175</sup>

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<sup>172</sup> Focus group discussion, children, Lunser Community, Port Loko, Sierra Leone, 17<sup>th</sup> July 2013.

<sup>173</sup> Interview, representative from the Department of Health, District level, Vietnam, 14<sup>th</sup> August 2013.

<sup>174</sup> Who are also, incidentally, the most likely to be unregistered in Vietnam.

<sup>175</sup> Focus group discussion, internal migrant youth, Hanoi, Vietnam 16<sup>th</sup> August 2013.

There are further reasons why some children are not registered in Vietnam:

*Are all children registered?*

The law on population limits the number of children per family, so if parents give birth to a third child they won't want the committee to know so they will hide the child and the child won't have a birth certificate.<sup>176</sup>

Participants responded to questions about the potential exclusion of children from access to health care (as a result of the policy which requires children to have a birth certificate to access health insurance), in a similar way as they did to questions about possible exclusion of children from education (as a result of the policy which requires children to have a birth certificate to access school). They were only able to emphasise that all children would be registered because their parents would understand the benefits of birth registration.

*What happens if children don't have a birth certificate?*

Most of the children will be registered, even if they are registered late.

*But what if they aren't registered?*

But they will be registered because they will realise the benefits of registration.<sup>177</sup>

Such responses fail to acknowledge that a small minority of children in Vietnam experience fundamental barriers to having their birth registered as explained in Chapter 3 of this report.

***Birth certificate not required to access health care: India, Kenya and Sierra Leone***

In India, Kenya and Sierra Leone, respondents reported that a birth certificate is not related to access to health services, although knowing the age of children to assist health services to provide age appropriate care was viewed as important by respondents from all countries.

In all contexts children are issued health cards including vaccination schedules, either at birth (when delivering in hospital), or upon first access to a hospital, clinic or other health service. These cards contain details of a child's date of birth, as well as important health information and checklists to ensure children receive their vaccines at the correct time and in the correct sequence. In all contexts (except Vietnam) health cards and vaccination cards were more likely to be possessed by adults with small children than birth certificates, and were considered to be more important by many participants; as one woman in Sierra Leone explained:

'You don't need a birth certificate [to access healthcare] because you can just show your under 5 card.'<sup>178</sup>

In Sierra Leone, healthcare is free for children under five and pregnant women. An 'under-5 card' issued to children when they are born (if in hospital), or when they first come in to contact with a hospital or clinic (if born at home), is used to claim access to these services. However lack of an under-5 card does not seem to result in access being denied in any circumstances. Participants could not conceive of a situation where a young child would be denied healthcare, responding that - 'they can tell if a child is a baby!' or 'they would never turn someone away.'

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<sup>176</sup> Interview, representative from the Department of Health, District level, Vietnam, 14<sup>th</sup> August 2013.

<sup>177</sup> Interview, representative from the Department of Health, Phu Tho Province, Vietnam, 19<sup>th</sup> August 2013.

<sup>178</sup> Interview, mother, Wellington Community, Sierra Leone, 13<sup>th</sup> July 2013.

In India, birth certificates are not required to access health services in either of the States that formed part of the research, and neither are they required for administering vaccinations. However, similar to Sierra Leone, children are provided with a health card at birth, and ‘vaccination card’ upon administration of the first vaccine, containing a vaccine schedule, which is checked off by the nurse as vaccines are delivered.

In Kenya, healthcare practitioners do not require patients to show identity documents to access care: ‘we do need some information from them to serve them, but if they do not have ID we just ask them for this information.’<sup>179</sup> As with the other country contexts, hospitals issue children with a ‘clinic card,’ which helps health care workers and parents keep track of vaccinations. Access to health care in Kenya appears to operate differently in Nairobi (an urban centre), than in rural communities in and around Kwale. Participants in Nairobi reported that Kenya is moving towards a system of universal health care delivered through a national insurance scheme. Under the scheme it will be necessary to produce a birth certificate to claim a child as a dependent under the National Hospital Insurance Fund. This is an insurance programme, which is compulsory for all salaried employees, and is also available to self-employed individuals for a fee. As this system is fully implemented, it will become more important for parents to have documentation that proves their relationship with the child. The same issues will inevitably arise (as with Vietnam), regarding whether and how health services will be available to children who are not registered and do not have a birth certificate. However, all vaccinations delivered to adults and children in Kenya are free in accordance with Article 110 of the Public Health Act;<sup>180</sup> this was confirmed by the experience of research participants. It is unlikely that this will change given the public health risks associated with non-vaccination.

### **5.3.2 Correlations between health outcomes and birth registration: quantitative analysis of DHS data**

The quantitative analysis of the relationship between birth registration and health outcomes conducted by the International Observatory on Statelessness revealed a number of statistically significant relationships between birth registration and health indicators. The methodology for this analysis is fully explained in Chapter 2. The results from the analysis are presented below: data tables can be found within Appendix C.<sup>181</sup>

#### **5.3.2.1 Birth registration and vaccinations**

**Summary of findings:** analysis of DHS data has shown that birth registration status has a positive association with nine key vaccinations in India, Kenya and Sierra Leone. These include: tuberculosis (BCG), polio, measles and diphtheria, pertussis and tetanus. All findings, except for BCG coverage in Maharashtra (India), are significant at the 5% level or less meaning that they cannot be attributed to chance. This means that the odds of a child with birth registration getting vaccinated could be many times over that of a child without birth registration.

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<sup>179</sup> Interview, Health Official, Kwale, Kenya, 11 September 2013.

<sup>180</sup> Article 110, Public Health Act, Kenya.

<sup>181</sup> Following the Propensity Score Matching (PSM) methodology (explained in Chapter 2), the results are based on findings from matched data to increase accuracy and reliability. The most accurate matching techniques are highlighted alongside the data tables in Appendix C.

**India:**

Children with birth registration in Maharashtra and Uttar Pradesh are between 1.5 and 3.3 times more likely to have been vaccinated than children without birth registration, depending on the type of vaccine:

- A child with birth registration in Uttar Pradesh is:
  - 2.13 times more likely to be vaccinated against tuberculosis (BCG)
  - 2.00 times more likely to be vaccinated against measles
  - 2.09 times more likely to be vaccinated against DPT 1 (diphtheria, pertussis and tetanus)
  - 2.01 times more likely to be vaccinated against DPT 2 (diphtheria, pertussis and tetanus)
  - 1.82 times more likely to be vaccinated against DPT 3 (diphtheria, pertussis and tetanus)
  - 1.90 times more likely to be vaccinated against POL 0 (polio)
  - 1.80 times more likely to be vaccinated against POL 1 (polio)
  - 1.62 times more likely to be vaccinated against POL 2 (polio)
  - 1.50 times more likely to be vaccinated against POL 3 (polio)
- A child with birth registration in Maharashtra is:
  - 1.93 times more likely to be vaccinated against tuberculosis (BCG)
  - 3.80 times more likely to be vaccinated against measles
  - 2.76 times more likely to be vaccinated against DPT1 (diphtheria, pertussis and tetanus)
  - 2.56 times more likely to be vaccinated against DPT2 (diphtheria, pertussis and tetanus)
  - 2.25 times more likely to be vaccinated against DPT 3 (diphtheria, pertussis and tetanus)
  - 1.83 times more likely to be vaccinated against POL 0 (polio)
  - 3.30 times more likely to be vaccinated against POL 1 (polio)
  - 3.06 times more likely to be vaccinated against POL 2 (Polio)
  - 2.10 times more likely to be vaccinated against POL 3 (Polio)

**Kenya:**

Children with birth registration in Kenya are between 1.3 and 2.2 times more likely to have been vaccinated than children without birth registration, depending on the type of vaccine. A child with birth registration in Kenya is:

- 2.28 times more likely to be vaccinated against tuberculosis (BCG)
- 1.44 times more likely to be vaccinated against measles
- 1.79 times more likely to be vaccinated against DPT 1 (diphtheria, pertussis and tetanus)
- 1.69 times more likely to be vaccinated against DPT 2 (diphtheria, pertussis and tetanus)
- 1.32 times more likely to be vaccinated against DPT 3 (diphtheria, pertussis and tetanus)
- 1.57 times more likely to be vaccinated against POL 0 (polio)
- 1.77 times more likely to be vaccinated against POL 1 (polio)
- 1.67 times more likely to be vaccinated against POL 2 (polio)
- 1.38 times more likely to be vaccinated against POL 3 (polio)

## Sierra Leone:

Children with birth registration in Sierra Leone are between 1.6 and 2.1 times more likely to have been vaccinated than children without birth registration, depending on the type of vaccine. A child with birth registration in Sierra Leone is:

- 2.01 times more likely to be vaccinated against tuberculosis (BCG)
- 1.72 times more likely to be vaccinated against measles
- 1.68 times more likely to be vaccinated against DPT1 (diphtheria, pertussis and tetanus)
- 1.69 times more likely to be vaccinated against DPT2 (diphtheria, pertussis and tetanus)
- 1.84 times more likely to be vaccinated against DPT 3 (diphtheria, pertussis and tetanus)
- 1.79 times more likely to be vaccinated against POL 0 (polio)
- 1.89 times more likely to be vaccinated against POL 1 (polio)
- 1.83 times more likely to be vaccinated against POL 2 (polio)
- 2.08 times more likely to be vaccinated against POL 3 (polio)

### 5.3.2.2 Birth registration and health management

**Summary of findings:** analysis of DHS data has shown that birth registration status has a positive association with good practice in the treatment of diarrhoea in India and Kenya; however this was not always statistically significant.<sup>182</sup> Findings also indicate that children with birth registration in India and Kenya are less likely to be given treatments for diarrhoea which come least recommended by epidemiological experts; however again, these were not always statistically significant.

#### India:

- Birth registration status has a positive and significant association with good practice in the treatment of diarrhoea in Maharashtra and Uttar Pradesh. Data suggests that children with birth registration in both states are nearly 3 times more likely to receive oral rehydration for the treatment of diarrhoea (the preferred treatment) when compared with children without birth registration. These findings are significant at the 5% level of significance.
- Children with birth registration in Maharashtra and Uttar Pradesh are less likely to be given antibiotics for the treatment of diarrhoea (least preferred treatment) compared with children without birth registration; however, the results are not statistically significant.

#### Kenya:

- Birth registration status has a positive association with good practice in the treatment of diarrhoea (home solutions and oral rehydration) in Kenya. However, none of these associations are statistically significant.<sup>183</sup>

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<sup>182</sup> Consultation with epidemiological experts from the University of Kingston (London) found that recommended home solutions are considered the best practice for the treatment of diarrhoeal disease, oral rehydration is considered to be good practice, whereas giving antibiotics is considered counterproductive and may weaken the immune system of children.

<sup>183</sup> This may be due to the smaller sample size available for the analysis of children suffering from diarrhoea.



- There is a significant negative association between giving antibiotics for the treatment of diarrhoea and birth registration status in Kenya. Data suggests that a child with birth registration is 0.5 times less likely to be given antibiotics (least-preferred treatment) compared to a child without birth registration. This is significant at the 5% level of significance.

#### **Sierra Leone:**

- Findings indicate that birth registration is not associated with any treatments for diarrhoea in Sierra Leone.

### **5.3.2.3 Birth registration and nutrition**

**Summary of findings:** analysis of DHS data has shown that birth registration is positively associated with some indicators of child nutrition; however, results vary between countries and are not always statistically significant. The following indicators related to child nutrition were explored: stunting, weight, wasting and months of breastfeeding.

#### **India:**

- In Uttar Pradesh, stunting and being under-weight are less prevalent among children with birth registration. This is significant at the 5% and 10% level of significance respectively:
  - o The data suggests that a child in Uttar Pradesh with birth registration is approximately 0.7 times less likely to be stunted and approximately 0.8 times less likely to be underweight compared to a child without birth registration.
  - o Results for Maharashtra suggest a similar pattern but one with no statistical significance.
- There is no statistical significance between birth registration and the prevalence of wasting amongst children in Uttar Pradesh or Maharashtra.
- Children with birth registration in Uttar Pradesh and Maharashtra get breast-fed for a shorter period than those without birth registration. These results are only statistically significant in Uttar Pradesh (5% level of significance). It is worth noting that this finding runs contrary to the trends revealed by other health indicators in India.

#### **Kenya:**

- In Kenya, stunting and being under-weight are less prevalent among children with birth registration. This is significant at the 5% level of significance:
  - o The data suggests that a Kenyan child with birth registration is approximately 0.8 times less likely to be stunted and 0.7 times less likely to be underweight, compared to a Kenyan child without birth registration.
- There is no statistical significance between birth registration and the prevalence of wasting amongst children in Kenya. The same applies to breastfeeding duration.

## Sierra Leone:

- In Sierra Leone, weight, stunting and wasting of children are not associated with birth registration.
- The data suggests that children with birth registration in Sierra Leone get breast-fed for a longer period than those without birth registration at the 5% level of significance.

These findings highlight the salience of a health-registration nexus, particularly in relation to children receiving vaccinations: in all case study countries, children with birth registration were more likely to have received the nine key vaccinations included within the analysis. Furthermore, children with birth registration in India and Kenya were more likely to be given preferred treatments for diarrhoea, and less likely to be given non-preferred treatments. There were also a number of positive associations between nutrition outcomes and birth registration across the case study countries. The meaning of these relationships will be further considered within the conclusions below. However, before doing so, there are a number of limitations to these findings, which must be borne in mind. First, the datasets used do not provide indications of when the births of children were registered, nor do they indicate when children were vaccinated. The two events are associated but the direction of causality must still be determined. Second, the DHS and MICS datasets record information gathered some years ago, in some cases more than five years ago, and may not accurately reflect the most current trends in the selected countries. Further information is required to fill these data gaps.

### 5.3.3 Understanding the quantitative analysis in the light of the qualitative research on access to health services

The IOS research team proposed that a potential explanation for the positive associations between birth registration and health outcomes is that the act of registering a child brings parents into contact with the state, which in turn, provides them with other information to help them manage the health of their children. For example, staff at birth registration centres might inform parents on vaccinations and recommended treatments for diarrhoea, which would explain the clear links between these indicators and birth registration. According to this theory, the act of birth registration can lead to improved health outcomes. However, the qualitative research suggests that the associations between birth certificates and health are indicative of the fact that children who are born in a hospital or clinic are *both* more likely to be registered *and* more likely to be accessing health services. One explanation for this is that children who are born in a hospital and who are accessing health services are assisted by health professionals who often play a role in registering children's births, especially during or after the administration of vaccinations. For example, in Sierra Leone, clinics reportedly issued birth certificates and in Kenya, health providers explained that they provide parents with instructions and paperwork necessary to register their children's births. In other words, *accessing formal health services is predictive of a child obtaining birth registration*, rather than the other way around. Children who do not access health services, on the other hand, are also more likely to be excluded from birth registration.

Thus, overall, if we consider the quantitative findings related to a. birth registration and access to education and b. birth registration and health outcomes, it is suggested that upon accessing either birth registration or health/education services (such as vaccinations/school attendance), children have a higher exposure to services as

a whole. Conversely, the findings suggest that children who do not access either birth registration or health/education services have a lower exposure to services as a whole.

## 5.4 Access to services: conclusions

The relationship between birth registration and access to services is one of the most indirect and context specific relationships explored in the research. One of the main reasons why birth registration is considered to be important for accessing services is that a birth certificate is sometimes required (by law, policy or practice) for enrolling in school, for obtaining health insurance, and others. The fact that these policies or practices exist in some contexts, however, demonstrates nothing about the *inherent* or *universal* value of a birth certificate in terms of improving access to services for individual children. It does mean, however, that unregistered children in these contexts risk being excluded from services. Indeed, this was found to be the case in Vietnam (where formal policies require birth certificates for enrolment in school and access to free healthcare), but rarely so in India, Kenya and Sierra Leone. However, the situation is somewhat evolving in Kenya, with the introduction of a national policy requiring a student to possess a birth certificate to enter exams, as well as a move towards an insurance-based health service, which will require parents to prove their relationship to a child through a birth certificate.

The research indicates that in the context of developing birth registration systems there is a risk that children will be excluded from services; either directly, through the implementation of policies which make access conditional on a birth certificate or other forms of legal identity, or indirectly, through the emergence of a belief that such a requirement exists, which was sometimes found to lead to arbitrary restrictions being applied, such as the demand that a 'fine' be paid in the absence of a birth certificate.

It appears that in all contexts the push for formal or informal policies that require birth registration to access services, are primarily a result of the desire to incentivise registration. There is, however, a problematic circle of reasoning that is being applied, which may create confusion about the relationship between birth registration and access to services. On the one hand the desire to increase rates of registration is being used to justify the imposition of these policies. On the other hand, the fact that these policies exist is being used as justification for the need to increase birth registration (because without a birth certificate a child is at risk of being denied access to education).

In contexts where law, policy or practice requires that children produce a birth certificate to access services, access could (in theory) be improved either by increasing the level of birth registration or by removing the requirement that a child possess a birth certificate (to obtain access). Whilst the second measure removes barriers to access to services for all children, the first measure (increasing the level of birth registration) will only do so if universal rates of birth registration are achieved. This is challenging in all contexts, but particularly contexts where significant barriers to achieving universal birth registration remain. The UN Convention on the Rights of the Child requires that no child should be refused access to education or healthcare regardless of whether or not they are registered or have a birth certificate. This requires that, in the interests of promoting registration, policies and practices (informal or otherwise) are not introduced that may exclude children from access to services.

## 5.5 Access to services: recommendations

### 5.5.1 Avoiding potential unintended consequences of incentives to increase birth registration

All efforts to promote or increase birth registration must be consistent with human rights principles and standards. No child should be denied access to services such as health and education because they are not registered and *all* children should be entitled to access services irrespective of birth registration status. Therefore it is recommended that:

- **Any incentives which are intended to increase birth registration rates must ensure a ‘do no harm’ approach and that they do not (directly or indirectly) have adverse impacts on other rights. Instead efforts aimed at increasing birth registration rates should focus on addressing the barriers to birth registration, simplifying procedures and integrating registration within other interventions, such as social programmes and primary healthcare services.**

### 5.5.2 Messaging on birth registration and access to services:

The relationship between birth registration and access to services is not inherent; it is indirect and determined by the context. Therefore it is recommended that:

- **Governments, UN agencies, humanitarian, development and human rights actors as well as civil society, should ensure that messaging regarding birth registration and access to services is carefully considered in light of the local context, laws and policies.**

### 5.5.3 Ensuring inclusion

In particular restrictive contexts, there may be a strong relationship between a child’s possession (or not) of a birth certificate and their ability to enroll in school or access healthcare (e.g. Vietnam). Therefore, it is recommended that:

- **Programming on birth registration should focus on contexts where birth registration systems are established and birth certificates are important. This programming should aim to identify groups of children who are excluded from systems (such as young internal migrants in Vietnam and unregistered pupils taking exams in Kenya) and support them to obtain the legal identity they need to access services and claim their rights.**
- **In these restrictive contexts, governments, with the support of donors and civil society, should support marginalised individuals to obtain identity documents. Consider working with local NGOs, particularly those with legal services, health facilities, child protection services and schools to enable unregistered children to access birth registration and registered children to obtain a copy of their birth certificate.**

#### 5.5.4 Further research

The quantitative analysis for this research was constrained by the limited types of indicators relevant to birth registration included in available data sets. It is therefore recommended that:

- **In the event of further quantitative analysis into the benefits of birth registration, it would be helpful to revise the type of data collected on and related to birth registration. Governments, UN agencies and other organisations collecting data could include more appropriate measures/indicators in their data collection. For example, this could include collecting data on the birth registration status of children over the age of five and the date birth registration and vaccinations take place.**

## Chapter 6: Child Protection

### 6.1 Expected relationship: birth registration and child protection

The potential of a birth certificate to support a child's right to protection from violence, abuse, exploitation and neglect, is one of the most widely emphasised benefits of universal birth registration. Advocates and service providers have emphasised the role a birth certificate can play in protecting children against a wide range of rights abuses. To name a few, this includes: protection from exploitative labour; early marriage; conscription into the army; sexual abuse and exploitation; discrimination; and protection in the circumstance of coming into contact or conflict with the law.

In their recent handbook on birth registration 'A Passport to Protection' UNICEF have emphasised that: 'UNICEF supports universal birth registration *within the context of an overall child protection system*. Such an approach recognises the link between non-registration and the risk of exploitation and abuse.'<sup>184</sup> Furthermore, in a recent publication UNHCR (United Nations Office of the High Commissioner for Human Rights) argued: 'children without birth registration are more vulnerable to protection risks such as trafficking, child labour, child marriage, illegal adoption, sexual exploitation and recruitment into armed forces and groups'.<sup>185</sup>

The expected relationship between universal birth registration and child protection (CP) is perhaps clearest when the risks children face are themselves a direct result of their interaction with formal legal systems and rules, such as, for example, when children come into contact with the criminal justice process. Indeed, this is how the logic of the relationship between universal birth registration and CP is usually framed: a birth certificate can protect children's rights *under the law*, because it provides a tool by which legal rules, designed to protect children, can be claimed and enforced. A birth certificate can do this because it contains information about a child's age and identity, and it is their age (and less commonly identity) which affords a child special rights and protection under the law. For example, arrangement of a child marriage may be prevented where the child has a birth certificate proving that she is under the legal minimum age for marriage; or the prosecution of a child for a crime may be prevented where the child has a birth certificate which provides legal proof that he or she was under the minimum age of criminal responsibility at the time the offence was committed. As Plan International explain in their 2009 'Count Every Child' report:

'The benefits of having a birth certificate are particularly clear in the area of child protection, where proof of a child's age is a pre-condition to effective law enforcement. A birth certificate documents a person's age and, as children under the age of 18 are entitled to particular rights and legal protection, proof of age can go some way toward protecting children who are exploited or come to harm in a variety of ways.'<sup>186</sup>

The logic that connects the possession of a birth certificate to the legal protection of children is clear. In order for the relationship to function in practice, a number of key conditions must be met. The implications of these

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<sup>184</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

<sup>185</sup> UNHCR (2013) *Birth registration, child protection issue brief* [online] Geneva, August 2013 [Accessed February 2014].

<sup>186</sup> Cody, C. (2009) *Count Every Child: the right to birth registration*, Woking, Plan Ltd, p. 21.

conditions, and their applicability to the four country contexts in which we conducted our field research, are explored in the presentation of the data and analysis below.

*Key conditions to facilitate birth registration and legal protection of children:*

- 1) In any given context, there are legal rules which protect children's rights, as well as viable systems for the enforcement of these rules;
- 2) Enforcement of these laws can be managed through establishing the ages of individual children;
- 3) Birth certificates (have the potential to) provide a reliable source of information about a child's age and identity which can be used within these legal systems;
- 4) Enforcing specific legal rules (such as the minimum age for legal employment) provides a useful means for ensuring the protection of children from types of harm;
- 5) Forms of abuse and suffering experienced by children result from violations of international and, where applicable, national legal rules, defined by the victim's (legal) status as a child.

The final two conditions enable the relationship between birth registration and protection of a child through the application of a legal process to be expanded in scope so that it implies that birth registration has a role to play in the child protection system more generally: for example the latest UNICEF publication on birth registration 'recognises the link between non-registration and *the risk of* exploitation and abuse...knowing the age of a child provides protection from child labour, from being arrested and treated as an adult in the justice system, forcible conscription in armed forces and child marriage' [emphasis added].<sup>187</sup> Through the application of this logic, a number of different forms of harm and abuse of children have come to be understood primarily in terms of the fact that they are *illegal* (on account of a child's age) and, therefore, require prevention (and redress) through the appropriate enforcement of legal rules (through the establishment of a child's age). As a Plan representative in Sierra Leone explained: 'If you don't have a birth certificate, and you are abused, no one will know if you are a child or not, so they can't do anything.'<sup>188</sup> It must be recognised, however, that whilst focusing on age and law enforcement may be a useful way of identifying and addressing some types of abuse; not all forms of child abuse should be understood in terms procedural legal protections that are (only) available on the basis of age.

Some of the challenges, as well as potential benefits, associated with taking a legal approach to child protection; through the use of legal identity documents (that prove age) in order to enforce minimum age laws are examined in the sections below, with reference to two specific child protection risks which are typically associated with the need for improved birth registration: the practices of **child marriage** and **child labour**.

Since India was the country case study in which the relationship between birth registration and legal protection was explored in most depth, many of the detailed transcripts included below come from interviews in India. Where relevant, however, examples from the other country case studies are included.

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<sup>187</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York, p.8.

<sup>188</sup> Interview, Plan programme staff, Port Loco, Sierra Leone, 17<sup>th</sup> July 2013.

## 6.2 Child labour

### 6.2.1 Context: child labour

Child labour is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and which is harmful to children and interferes with their schooling. Child labour should be targeted for progressive elimination and all worst forms of child labour for urgent elimination because they constitute heinous human rights violations.<sup>189</sup>

It is important to note that not all work done by children should be classified as child labour to be targeted for elimination. Children's or adolescents' participation in work that does not negatively affect their health and personal development or interfere with their schooling is generally regarded as being positive. This includes activities such as helping parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities, if carried out at an appropriate age, for limited hours and excluding hazardous work, can contribute to children's development and to the welfare of their families, provide them with skills and experience and help to prepare them to be productive members of society during their adult life.<sup>190</sup>

Reflecting a commitment to international standards on child labour,<sup>191</sup> within each of our four case study countries, domestic legislation has been passed which limits the employment of children under certain legal age limits, and within particular types of occupations and industries:

- In India, several pieces of legislation prohibit the employment of children in a wide range of occupations under the age of 14.<sup>192</sup> There are also laws that restrict employment of children aged 14-18 depending on the type of work, and the length of employment.
- Kenya's Employment Act prohibits any employment of children below the age of 13, and only permits children from the ages of 13-16 in 'light' work.<sup>193</sup>
- In Vietnam, employment of children under the age of 12 is prohibited under all conditions. There are very tight regulations and heavy restrictions surrounding the employment of children between the ages of 12-15 years, and a series of lighter restrictions concerning the employment of children between 15-18 years.<sup>194</sup>

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<sup>189</sup> Plan International, *Child Labour Position*, December 2012 (internal document).

<sup>190</sup> Plan International, *Child Labour Position*, December 2012 (internal document).

<sup>191</sup> e.g. Article 32 of the United Nations Convention on the Rights of the Child provides that governments should protect children from work that is dangerous or might jeopardize or harm their rights to education, health and play.

The International Labour Organisation has declared that any 'economic' activity practiced by a child below the age of 12 years, and any non 'light' work carried out by a child between the ages of 12-14 years constitutes a violation of international regulations and standards prohibiting child labour (International labour organisation (n.d.) *What is Child Labour?* [online] Available from: <http://www.ilo.org/ipecc/facts/lang--en/index.htm> [Accessed January 2014].

<sup>192</sup> e.g. The Constitution of India, 26<sup>th</sup> January 1950; The Child Labour (Prohibition and Regulation) Act, 1986; The Factories Act, 1948; The Mines Act, 1952; The Juvenile Justice (Care and Protection) of Children Act, 2000; The Minimum Wages Act, 1948; The Right of Children to Free and Compulsory Education Act, 2009. Available from: <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/india/national.htm> [Accessed January 2014].

<sup>193</sup> Laws of Kenya, Employment Act, 2007.



- Finally, The Child Rights Act of 2007 in Sierra Leone establishes the minimum age for employment at 15 years, although a child may perform ‘light’ work between the ages of 13-15. The Act also provides that full time education for children is compulsory up until the age of 15 years.<sup>195</sup>

Many children across all four countries are working illegally despite these laws; evidence of this is apparent in existing studies and data as well as the responses in our field research. It is estimated that at least 14% of children aged 5 to 14 years in India are involved in child labour, and that, with an estimated 12.6 million children engaged in hazardous occupations, India has one of the largest number of child labourers under the age of 14 in the world.<sup>196</sup> Some 27% of children between the aged of 5-14 years in Sierra Leone,<sup>197</sup> 26% in Kenya,<sup>198</sup> and 7% in Vietnam,<sup>199</sup> are thought to be working.

## 6.2.2 Birth registration and child labour: research findings

Very few research participants considered that protecting children from underage labour is related to birth registration. This was found to be the case across all country case studies. Whilst birth certificates might be expected to play a role in the enforcement of child labour laws, participants explained that child labour laws are rarely monitored and enforced. Children are working in spite of legal rules that prohibit child labour, even in cases where children possess identity documents, and/or where there can be no dispute about the fact that they are underage.

Research participants across all 4 country case studies expressed the view that it is common for children to be working (instead of in education) starting as young as 6 or 7 years old. Working children in all contexts are typically those from poorer households, and many are rural-urban migrants.

‘The Government is not implementing the law in the way that it should. There are children working in stalls; small children washing pots and pans in the eateries.’ (India)<sup>200</sup>

‘[Children] do car washing, house help, small selling and garbage couriers. There is not money and they are being abused.’ (Kenya)<sup>201</sup>

‘Some children sell things. They also do other work like crushing stones; they do it to help their parents because of poverty.’ (Sierra Leone)<sup>202</sup>

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<sup>194</sup> Edmonds, E and Turk, C (2002) *Child Labour in Transition in Vietnam* [online] Available from: <http://elibrary.worldbank.org/doi/pdf/10.1596/1813-9450-2774> [Accessed January 2014].

<sup>195</sup> Child Rights Act, 2007 (Sierra Leone).

<sup>196</sup> UNICEF (n.d.) *Combating Child Labour in India* [online] Available from: [http://www.unicef.org/india/child\\_protection\\_1726.htm](http://www.unicef.org/india/child_protection_1726.htm) [Accessed January 2014]; Child in Need in India (n.d.) *Child Labour Fact Sheet* [online] Available from: [www.cini.org.uk](http://www.cini.org.uk) [Accessed May 2013].

<sup>197</sup> UNICEF (2013) *At a glance: Sierra Leone statistics* [online] Available from: [http://www.unicef.org/infobycountry/sierraleone\\_statistics.html](http://www.unicef.org/infobycountry/sierraleone_statistics.html) [Accessed January 2014].

<sup>198</sup> UNICEF (2013) *At a Glance – Kenya Statistics* [online] Available from: [http://www.unicef.org/infobycountry/kenya\\_statistics.html](http://www.unicef.org/infobycountry/kenya_statistics.html) [Accessed January 2014].

<sup>199</sup> UNICEF (2013) *At a glance – Vietnam Statistics* [online] [http://www.unicef.org/infobycountry/vietnam\\_statistics.html](http://www.unicef.org/infobycountry/vietnam_statistics.html) [Accessed January 2014].

<sup>200</sup> Interview, former child labourer, Khasara Village, Maharashtra, 18<sup>th</sup> September 2013.

<sup>201</sup> Interview, youth, Youth Empowerment Programme, Community Based Organisation, Nairobi, Kenya, 5 September 2013.

<sup>202</sup> Interview, nurse, Port Loco, Sierra Leone.

Advocates have emphasised that '*knowing the age of a child* provides protection from child labour' [emphasis added],<sup>203</sup> and that therefore a birth certificate is important as it provides a source of information about a child's age. Participants in the research, however, were clear that there is usually no real doubt about the ages of working children. In fact, all the child labourers we spoke to reported being paid lower wages by their employers precisely because they were known to be children:

'Since they [the employers] got cheap labour they were lenient about our ages. They obviously knew we were young.' (India)<sup>204</sup>

'They called us 'helpers', 'trainees'. We used to do the same work [as the adults] but they used to order us around so in fact we did more work than them, but since they were our seniors we didn't do anything about it.' (India)<sup>205</sup>

Other people in the community are also reportedly aware that children are working: 'you can see them out this window!'<sup>206</sup> One participant in Sierra Leone explained that sometimes the state authorities, knowing that children are working, would try to address the issue, but there was little that they could do: 'there are children used for business, fishing and selling. Sometimes the Social Welfare Officers arrest the children who are working. They keep the children in open detention. But the police don't have food for them, so they just let them go.'<sup>207</sup> Therefore, whilst the link between birth registration and child labour rests on the assumption that child labour laws are not implemented because children have no identity documents and, therefore, no ability to prove of their age, our research suggests that people *are well aware* of the ages of working children, regardless of whether they have had their birth registered or not.

Few participants had heard of cases of child labour laws being enforced through police or court action. Some respondents reported to have heard of such cases on the news, but their responses were vague and they were unable to provide details of what they had heard.

'No one has ever been caught [for child labour], [working] children are kept at home and nobody is being punished.' (Sierra Leone)<sup>208</sup>

'We are hearing those situations on the radio but we've never seen a situation where anybody has intervened.' (Sierra Leone)<sup>209</sup>

#### *Are child labour laws being enforced?*

So there is nothing practical we have seen, but whatever we have seen it is in the newspaper. We have seen in the paper that the employers get penalized because the NGO has reported against them. This is in urban areas. But in rural areas there is no such problem...and they [the employers] have got something in their favour also. The child is really poor, so sometimes the owner can show some sympathy towards the

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<sup>203</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York, p. 8.

<sup>204</sup> Interview, former child labourer, Mumbai, Maharashtra, 20<sup>th</sup> September 2013.

<sup>205</sup> Interview, former child labourer, Mumbai, Maharashtra, 20<sup>th</sup> September 2013.

<sup>206</sup> Focus group discussion, youth, Khasara Village, Maharashtra, 19<sup>th</sup> September 2013.

<sup>207</sup> Interview, mother, Laambie Community Centre, Port Loco, 18<sup>th</sup> July 2013.

<sup>208</sup> Interview, local community elder, Sierra Leone. 17<sup>th</sup> July 2013.

<sup>209</sup> Interview, NGO representative, Newmaforki Chiefdom, Sierra Leone, 17<sup>th</sup> July 2013.

child, and gets them to work. In this way they are doing [a] good [thing] for them. We have not seen any cases; whatever we have seen it is because of the NGOs. (India)<sup>210</sup>

One respondent in Mumbai did reveal a case (personally known to him) where an employer was prosecuted for employing a child, although this case was not reported to have involved the use of a birth certificate (or other identity document).

*Have there been any cases where employers have been arrested for employing children?*

There was a case where a man was arrested for employing a child to make those snacks and wash his pots.

*What happened?*

I have not seen the child after that. The employer was in prison for 1.5 weeks and let out with a fine and a warning. Now he doesn't employ children.

*How old was the child?*

He must have been about 10 or 11 years.

*How did the police know he was a child?*

The child was small and short. It was easy for them to see.

*What do you think about that case?*

What the police did was a humanitarian thing, but it was not the right solution. That child has his own financial conditions at home. The child has now lost his job and cannot support his family. The inspector just left feeling good about his humanitarian deed, but it was not the end solution. It did not help the child. The right action would have been to find that child some support for a long term solution.<sup>211</sup>

As the above passages demonstrate, whilst participants sometimes spoke of the employment of children in terms of 'exploitation' or 'abuse', they very often appeared equally likely to consider the action of employing a child to be an expression of 'sympathy' or 'kindness' on the part of the employer. Acknowledging this is relevant to understanding *why* child labour laws are currently *not* enforced; a question crucial to understanding the potential role birth registration may or may not play in addressing the problem of child labour, now or in the future. Participants explained that enforcement of child labour laws would not only frustrate the interests of employers, who benefit from the cheap labour children offer; but also the interests of children, who are driven to work as a means for survival:

*If children had proper identity documents could that help prevent child labour?*

No. It cannot be stopped because we have too much unemployment. No one will object. No one is bothered. They have no money, so they have to work. (India)<sup>212</sup>

The statement that 'no one will object', resonates with research on legal identity carried out by the Asian Development Bank which concluded that: 'powerful economic and political forces make it no one's interest to monitor the enforcement of child labour laws, notwithstanding a child's possession of a birth certificate.'<sup>213</sup> This message came out clearly within the field research:

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<sup>210</sup> Focus group discussion, youth, youth, Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>211</sup> Interview, former child labourer, Mumbai, Maharashtra, 20<sup>th</sup> September 2013.

<sup>212</sup> Focus group discussion, youth, Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>213</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p.27.

‘Child labour is cheap, everyone likes child labour.’ (India)<sup>214</sup>

‘Economics rules over morality. People don’t check documents. They just want cheap labour.’ (India)<sup>215</sup>

Many participants in India also mentioned the lack of interest that the upper classes (castes), police, politicians and government officials themselves have in putting a stop to child labour:

‘It is common for people to have servants who are children, those families from the higher middle class.’ (India)<sup>216</sup>

‘The politicians are talking about the law on child labour, but in the parliament buildings themselves they have children ages, 9 or 10 years serving them tea in the canteen!’ (India)<sup>217</sup>

In general, whilst participants did express the view that it was better for children to be in education than working, they also made it clear that they perceived law enforcement to be a blunt instrument for addressing a problem which is framed by a child’s family, social and economic context. As one former child labourer explained:

‘I think [providing] services would be better than a law not allowing children to work. The Government should work for an alternative rather than passing a law...because there are other elements to it.’<sup>218</sup>

Another child labourer told his story:

*Tell me about when you started working?*

There were some family constraints. I have small brothers. No one had a job. I was the only earner. I started working at the age of 12 years. When I was 5 or 6 my father died. My elder brother was working but then his cycle was stolen. We didn’t have any agricultural land. We both started doing labour work, house construction. It was physically tough work, quite difficult and hard because we needed to lift the bricks. 8 hours a day we were working; for 30-40 rupees a day.

*Did you have to show any identity documents when you started work?*

No nothing.

*Do you think they knew you were a child?*

Yes they were aware. But, they employed us because we requested them. We told them we were helpless. That if we could work at their place we could get something to eat. Some food can be provided us. So they used to show us sympathy and help us. Because they knew that we were children.

*Was it right that they employed you?*

We were glad because we could earn and contribute to the family expenses. It was important to me to get the materials and the fees so that I could study. So in that case I was glad.

*Were you able to study while you worked?*

When we were working we were studying also. We went to school for 3-4 days a week. When we had leave from work we went to school, and sometimes we left school to go to work.

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<sup>214</sup> Interview, former child labourer, Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>215</sup> Interview, former child labourer, Mumbai, Maharashtra, 20<sup>th</sup> September 2013.

<sup>216</sup> Focus group discussion, fathers, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>217</sup> Focus group discussion, fathers, Mumbai, Maharashtra, 15<sup>th</sup> September 2013.

<sup>218</sup> Interview, former child labourer, Mumbai, Maharashtra, 20<sup>th</sup> September 2013.

Was the school flexible with that?

The teacher used to beat us in case we were absent. So we did not tell them we were working. We told them that we had to stay at home. I would be beaten less if I would say that I was working at home.

Why is that?

The teacher would object to us going out to work. They would say you are not supposed to work. That is your parents' responsibility. We were hiding this as a question of self-respect. It is family respect.

What does the law say about child labour?

That you have to be 18 years old.

What do you think of the law?

This law is very good from the Government side. Anyhow these people are running the show. They are getting jobs anyway. So they are surviving anyhow.

Should the law be implemented?

What can be done? If anyone sees the law, he will not survive. He will not have food to eat.<sup>219</sup>

The research appears to indicate, therefore, that whilst child labour is common, cases where employers are being brought to account for employing children through prosecution and law enforcement are very rare. However, it should be noted there were cases in all four countries where legal identity is being carefully monitored by companies themselves, and birth registration may be considered to have the potential to become important, both in terms of preventing child labour, and facilitating child work. In fact, participants across all countries tended to mention 'applying for jobs' as one of the major uses of a birth certificate, especially in Sierra Leone, Kenya and Vietnam.

### **6.2.3 Birth registration and legal child employment: research findings**

Many children are legally able to work, usually between the ages of 14-18 years and provided certain minimum standards of employment are met. Many children emphasised that having a birth certificate could be useful when applying for legal work:

Is your birth certificate important?

It is very important, because when looking for a job your employer will ask you, and to prove your nationality if you have to leave the country. (Sierra Leone)<sup>220</sup>

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Why is the birth certificate important?

For many reasons – finding a job, maybe someone will ask you for a birth certificate; without it they will not employ you – they want to know your age and your hometown.

Have you used a birth certificate for any of these reasons?

No. (Kenya)<sup>221</sup>

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<sup>219</sup> Interview, former child labourer, Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>220</sup> Focus group discussion, children (aged 9 – 15), Port Loko, Sierra Leone, 17 July 2013.

<sup>221</sup> Interview, adult (Male), Port Loko, Sierra Leone, 17 July 2013.

Our research indicates, however, that employers and companies taking responsibility for following regulations on child labour, through requesting to see age and identity proof of employees, are also those providing the most well paid, prestigious, or stable jobs: the large companies, 'international' organisations and corporations, and government bodies. In India, for example, participants reported that identity documents are only required for permanent jobs with large companies, and for jobs within government.

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Are birth certificates required for getting a job?

They are only applicable for the business class. For the Government jobs they want them. They want to know your age so that they can know when you are going to retire. (Uttar Pradesh, India) <sup>222</sup>

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Are birth certificates required to get a job?

Yes: if you are working for the Government, or if you have one of those office jobs. (Sierra Leone) <sup>223</sup>

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Do you have a birth certificate?

I lost it.

Have you ever needed it?

No. Well when I was applying for the job as a nutrition officer at this NGO, they asked. But I didn't have. So they just asked for a sworn testimony instead. This is the only time I have been asked for it. (Sierra Leone) <sup>224</sup>

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Are there children in this community working?

Some children sell things. They also do other work like crushing stones. Children do it to help their parents because of poverty.

Do you need a birth certificate to get a job?

Yes - for a Plan job; for applying to London Mining. (Sierra Leone) <sup>225</sup>

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Is a birth certificate required for applying to any job?

It depends on the owner of the job. For informal, temporary work you don't need one. (Vietnam) <sup>226</sup>

Given that that some employers request job applicants to provide birth certificates, it could be argued that possessing a birth certificate might *facilitate* access to formal employment opportunities for those children who are legally permitted to work. Nevertheless, the evidence indicates that there may be other more fundamental barriers (than lack of birth registration) that prevent working children accessing jobs in the formal sector, including lack of education, and high overall rates of poverty and unemployment. None of the children interviewed in the research

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<sup>222</sup> Interview, family (husband, wife and son), Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>223</sup> Interview, mother, Newmaforki Chiefdom, Port Loco, Sierra Leone, 17<sup>th</sup> July 2013.

<sup>224</sup> Interview, NGO representative, Sierra Leone, 16<sup>th</sup> July 2013.

<sup>225</sup> Interview, two mothers, Sierra Leone, 17<sup>th</sup> July 2013.

<sup>226</sup> Interview, representative from the Department of Justice, Vietnam, 14<sup>th</sup> August 2013.

were employed in the type of companies asking to see birth certificates; and none of these companies (interviewed in the research) were found to have employees under the age of 18 years. Furthermore, no unregistered working children interviewed in the research reported that lack of a birth certificate was in practice a barrier to gaining work. In fact, none of the (former) working children interviewed reported being asked to show identity documents when they started work, even in cases where children were found to be over the age of legal employment. The reason for this appears to be that the overwhelming majority of child labourers are working outside the formal economy, and their labour is therefore unregulated:

‘Children are hired as cheap domestic help. Frankly no one bothers to check documentation when they need domestic help.’ (India)<sup>227</sup>

Children, in all contexts, are generally engaged in informal, unofficial and usually temporary employment, such as begging or ‘hawking’ on the street, washing cars, selling vegetables, polishing shoes, caring for other children, working as domestic labourers, or in other forms of ‘hidden’ employment found for them by family and friends. Work done by children may range from full time labour to household chores, and children are often forced or ‘pushed’ to become involved by their parents:

‘Children [are] supporting their families in agriculture work, call centers, looking after younger children.’ (India)<sup>228</sup>

‘Children work in tea shops, as shoe polishers, from ages 7 and 8 and above. They also work as domestic help.’ (India)<sup>229</sup>

‘There are many children under the age of 16 years working in Hanoi. They just have jobs at small restaurants, private offices, cleaning companies. It is just unofficial work.’ (Vietnam)<sup>230</sup>

‘My children go to the sea and go sand mining and collect oysters.’ (Sierra Leone)<sup>231</sup>

## 6.2.4 Conclusions: child labour

Overall the data reveals the complexity of issues surrounding child labour in real life contexts, and the challenges associated with confronting these. Birth registration may be expected to play a role in protecting children from child labour through providing information about a child’s age and enabling the enforcement of law. Nevertheless, this was rarely found to be occurring in the contexts selected for this research. Child labour laws are generally not enforced, and employers are rarely brought to account for illegally employing children. Most child labourers are working in the informal sector, engaged in types of domestic, private, temporary and unofficial work, and their labour is not regulated. Participants explained that the reasons for this are that birth registration and (minimum age) law enforcement are not useful measures for addressing the reasons *why* children are working; which are framed by their family, social and economic context. Until these issues are addressed the role of birth certificates in protecting children from child labour, even within the context of a broadly functioning legal system (e.g. Vietnam), is likely to be limited. While acknowledging these complexities, whether birth registration could play a role in a

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<sup>227</sup> Focus group discussions, fathers, Mumbai, Maharashtra, 15<sup>th</sup> September 2013.

<sup>228</sup> Interview, family (husband, wife and son), Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>229</sup> Focus group discussion, fathers, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>230</sup> Focus group discussion, internal migrant children, Hanoi, 15<sup>th</sup> August 2013.

<sup>231</sup> Interview, father, Newmaforki Chiefdom, Port Loko, Sierra Leone, 17<sup>th</sup> July 2013.

system which properly implements and enforces child labour laws is potentially an issue for further investigation and research.

## 6.3 Child marriage

### 6.3.1 Context: child marriage

Child marriage refers to a formal marriage, or informal union, where either or both party is below the age of eighteen years.<sup>232</sup> Both the United Nations Committee on the Rights of the Child (CRC Committee) and the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) have called on States to fix the minimum age for marriage at a minimum of 18 years for both girls and boys; and this position has been widely reiterated by children and women's rights advocates from around the world.

In (partial) compliance with international obligations, India, Kenya, Sierra Leone and Vietnam have all passed legislation establishing a minimum age for marriage:

- The Prohibition of Child Marriage Act, 2006, in India fixes the minimum age for marriage at 18 years for girls, and 21 years for boys, although children may marry at the age of 16 years with their parents' consent (the minimum ages for marriage apply to individuals of all religious faiths, although varying procedures for marriage are established by a whole host of pieces of different legislation that apply to different cultural, ethnic and religious groups).<sup>233</sup>
- The 2000 Marriage and Family Law in Vietnam established the minimum ages for marriage at 18 for girls, and 21 for boys, without exception.
- The Registration of Customary Marriage and Divorce Act, 2009 in Sierra Leone establishes the minimum age for boys and girls at 18 years, although children may marry before these ages with consent of their parents (or guardians in the case of the death of their parents).<sup>234</sup>
- In Kenya, the Marriage Act establishes the minimum age for marriage at 18 years<sup>235</sup> for both boys and girls, and the Children's Act in Kenya prohibits child marriage and defines a child as any person under the age of 18 years.<sup>236</sup>

Despite these pieces of legislation, many children enter marriage unions before they have reached the official age for legal marriage. According to the most recent UNICEF statistics,<sup>237</sup> as many as 47% of children in India,<sup>238</sup> 44%

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<sup>232</sup> UNICEF (2012) *Child Marriage* [online] Available from: [http://www.unicef.org/protection/57929\\_58008.html](http://www.unicef.org/protection/57929_58008.html) [Accessed January 2014]; Prins, H, McBride, B, Walrath, D. (2010) *Cultural Anthropology: The Human Challenge* Wadsworth, USA, Cengage Learning, p.209.

<sup>233</sup> To name a few: Anand Marriage Act, 1909. (07 of 1909); Arya Marriage Validation Act, 1937. (19 of 1937); Bangalore Marriages Validating Act, 1936. (16 of 1936); The Indian Christian Marriage Act, 1872; The Constitution of India; Code of Criminal Procedure, 1973. (02 of 1974); Indian Penal Code, 1860. (45 of 1860).

<sup>234</sup> The Registration of Customary Marriage and Divorce Act (2009) [Online] Available from <http://www.sierra-leone.org/Laws/2009-01.pdf> [Accessed January 2014].

<sup>235</sup> Laws of Kenya, The Marriage Act, 2008.

<sup>236</sup> *Laws of Kenya, The Children Act, Revised Edition 2010* [online] Available from [http://www.icrc.org/ihl-nat.nsf/a24d1cf33344e99934125673e00508142/95bcf642e7784b63c1257b4a004f95e8/\\$FILE/Children's%20Act.pdf](http://www.icrc.org/ihl-nat.nsf/a24d1cf33344e99934125673e00508142/95bcf642e7784b63c1257b4a004f95e8/$FILE/Children's%20Act.pdf) [Accessed January 2013].



of children in Sierra Leone,<sup>239</sup> and 26% of children in Kenya<sup>240</sup> are married before the age of 18 years. Furthermore, 18% of children in India and Sierra Leone, and 6% of children in Kenya are estimated to be married before the age of 15 years. The figures are significantly lower for Vietnam, with 9% of children estimated to be married before 18 years and 1% before the age of 15 years.<sup>241</sup>

### 6.3.2 Child marriage: research findings

Lack of universal birth registration has been identified by child rights advocates as a major barrier to the enforcement of child marriage laws, particularly in India, Kenya and Sierra Leone. This is because, the theory posits that, without birth certificates, the age of marriage candidates cannot be accurately verified, leaving children at risk.<sup>242</sup> Few respondents, however, felt that a lack of legal identity documents is related to the prevalence of early marriage. This was true across all four country case studies: '97-98% of early marriages are [happening] for reasons of poverty. Certificates don't have much to say. If someone wants to get married, they will.'<sup>243</sup>

The role that birth certificates can play in preventing child marriage is through providing information about a child's age, so that legal rules regarding marriage can be enforced. However (such as with circumstances of child labour) many participants pointed out that minimum age of marriage laws are not being enforced and child marriage is occurring *in spite of* knowledge about a child's age, as is indicated by this quote from an Interview with a domestic worker in Luknow (India):

I got married at the age of 16 years.

When you were married did you have to show any ID card?

No.

Did you want to get married at that time?

No. I was in school, but I left to get married. I left because of poverty; I don't have any brothers, only a sister. The economic condition of our family was not good. I was not ready, I did not want to get married, but I had no option. I had to do what my mother and father said.

Do you think that if you had been asked to show ID when you got married – if there was that rule – it would have made a difference?

[Emphatically] they knew my age was 16 years. But in our caste we get early marriages.<sup>244</sup>

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<sup>237</sup> Unfortunately available data on child marriage does not tend to be disaggregated by sex. Where child marriage data is published, it is not always clear whether the statistics refer only to girls, or to both girls and boys. This is highly problematic, not only because it is unclear, but also because, it plays into problematic gender biases which assume that the institution of marriage only affects and applies to girls and women.

<sup>238</sup> UNICEF (2011) *The Situation of Children in India* [online] Available from: [http://www.unicef.org/sitan/files/SitAn\\_India\\_May\\_2011.pdf](http://www.unicef.org/sitan/files/SitAn_India_May_2011.pdf) [Accessed January 2014]

<sup>239</sup> UNICEF (2013) *At a glance: Sierra Leone statistics* [online] Available from: [http://www.unicef.org/infobycountry/sierraleone\\_statistics.html](http://www.unicef.org/infobycountry/sierraleone_statistics.html) [Accessed January 2014].

<sup>240</sup> UNICEF (2013) *At a Glance – Kenya Statistics* [online] Available from: [http://www.unicef.org/infobycountry/kenya\\_statistics.html](http://www.unicef.org/infobycountry/kenya_statistics.html) [Accessed January 2014].

<sup>241</sup> UNICEF (2013) *At a glance – Vietnam Statistics* [online] [http://www.unicef.org/infobycountry/vietnam\\_statistics.html](http://www.unicef.org/infobycountry/vietnam_statistics.html) [Accessed January 2014].

<sup>242</sup> e.g. UNHCR (2013) *Birth registration, child protection issue brief*, Geneva, August 2013 [Accessed February 2014].

<sup>243</sup> Focus group discussion, youths, Khasara Village, Maharashtra, 19<sup>th</sup> September 2013.

<sup>244</sup> Interview, domestic worker (18 years), Lucknow, Uttar Pradesh, 11<sup>th</sup> September 2013.

Similar to the findings relating to the enforcement of child labour laws, the research findings related to child marriage suggest that there is a general lack of interest in and will to enforce child marriage laws, which contradict cultural and religious norms and traditions, and challenge powerful (patriarchal) economic, social and political interests, such as the institution of dowry.

'Birth registration has nothing to do with early marriage. Early marriage happens because of dowry. Parents marry off their daughters in the early stages so that they don't have to give a higher dowry payment. Sometimes if the girl is underage and the man is old, he might even give money to buy the girl!'<sup>245</sup>

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At what age do people get married in the community?

18 years is the average age for marriage. Nowadays because of the TV people are more aware of the legal age.

Is the legal age being enforced?

No. The government isn't taking steps to look into this. People are getting married young.

Why is that?

Especially in families with 3 or 4 daughters the father thinks if he waits [to marry them] he will have to suffer from inflation. So he tried to get his daughters married as soon as possible to alleviate the financial burden.

Does having age documentation help prevent early marriage?

It has nothing to do with it. Only the love marriages are registered. But most marriages are customary.<sup>246</sup>

In this extract the participant reveals another reason why (lack of) possession of a birth certificate may have little relationship to a child's risk of early marriage in *practice*. This is because, whilst *legal* marriage requires candidates to prove their ages, the overwhelming majority of marriages in (large parts of) India, Kenya and Sierra Leone take place through customary and religious ceremonies, without the need to produce any form of age proof.

Not a single research participant in Sierra Leone had presented a birth certificate or any other identity document upon marriage; respondents found the idea (that a birth certificate could be required for marriage) humorous and absurd. Marriages are a matter of family, kinship and community; and have little relationship to the law or the State. Participants were unaware of whether a birth certificate or other identity document would be required for legal marriage.

Do you have early marriages in your community?

If an underage girl becomes pregnant you drive them from the home. The parents will say we can't feed you and the baby. Go to the man. And then you go and you live together as a married couple... that's what happened to me.

Can birth certificates help prevent early marriages?

We don't bother with legal marriage. Only a few do. Local people just give money and say that's my wife.<sup>247</sup>

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<sup>245</sup> Focus group discussion, fathers, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>246</sup> Focus group discussion, mothers, Mumbai, Maharashtra, 16<sup>th</sup> September 2013.

<sup>247</sup> Interview, two mothers, Lunser Community, Port Loko, Sierra Leone, 18<sup>th</sup> July 2013.

The research indicates that civil marriages (legal or government marriages) are more common in Kenya (compared to Sierra Leone), but still relatively rare. One reason civil marriages are unpopular is that they are costly (1,000.00 KShs [about \$11.6 USD]<sup>248</sup> according to one participant). Only civil marriages require the production of an identity document. The most common ‘type’ of marriage (as identified by research participants) is ‘customary’ marriage, followed by ‘religious’ marriage (administered within a church or a mosque), neither of which require marriage candidates to produce any form of legal identity.

*At what age do most young people get married?*

They get married from 18 years and above. Well actually it’s sometime from 16 or even 13. But these are not actually marriages - it is not being married – it is the courtship which will lead to pregnancy. Marriage is a union this happens from the ages of 18-25. But customary marriages are becoming frequent. Some will have a party, but that’s not very common. Some Christian people have wedding ceremonies, and occasionally people will get a government certificate. (Kenya)<sup>249</sup>

Similarly, in India, the overwhelming majority of marriages are administered through traditional, religious ceremonies, and no age verification takes place. After a religious ceremony in India, it is becoming increasingly common in affluent, urban areas for the couple to legally register their marriage with the local magistrate’s court, in which case birth certificates or other forms of age verification *are* required. As this process continues birth certificates may be increasingly used as a form of age proof for entering legal marriage. In rural areas and particularly in the northern parts of India included in the research, however, this is currently very rare. In Uttar Pradesh, only one or two of the participants we spoke to had obtained legal registration of marriage; these were upper caste respondents from the capital city Lucknow. Birth certificates are not necessarily required in order to obtain legal marriage, however, candidates for legal marriage will have to produce some official proof of age, either through use of a school leaving certificate, PAN card<sup>250</sup>, ration card<sup>251</sup>, national ID card<sup>252</sup>, passport or others.

Overall, the research found that birth registration is not playing a strong role in child protection when it comes to the prevention of early marriage in India, Kenya and Sierra Leone, because few marriages are officially registered. Furthermore, in all countries included in the research *early* marriages are not being officially registered. Religious leaders in India (who are often responsible for officiating marriage) often reported that they do not consider themselves bound by or responsible under statutory (marriage) law, even though the law explicitly states its application to all religious groups and faiths. In Uttar Pradesh (Northern India) where some 58.6% of girls are estimated to be married before the legal age of 18 years (estimated even higher in rural parts),<sup>253</sup> the Pundits and other customary/religious marriage officiators<sup>254</sup> explained to researchers that: ‘the law doesn’t apply to us’;<sup>255</sup> ‘we

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<sup>248</sup> Exchange rate at time of writing: 1 USD = 86.7 Kshs.

<sup>249</sup> Focus Group Discussion, parents, Riruta Community, Nairobi, Kenya, 5<sup>th</sup> September, 2013.

<sup>250</sup> Permanent Account Number (PAN) is a ten-digit alphanumeric number, issued in the form of a laminated card, by the Income Tax Department.

<sup>251</sup> A *Ration Card* is a very useful document for *Indian* citizens. It helps save money by aiding in the procurement of essential commodities at a subsidised rate.

<sup>252</sup> A new system of national ID: *Aadhaar Card*. can be used as identity and address proof anywhere in *India*.

<sup>253</sup> Interview, NGO, Nampara, Uttar Pradesh, 10<sup>th</sup> September 2013.

<sup>254</sup> Researchers spoke to religious leaders responsible for officiating both Hindu and Buddhist marriages, however, researchers did not have the opportunity to speak with any Muslim marriage officials.

<sup>255</sup> Interview, two Pundits, Nampara, Uttar Pradesh, 10<sup>th</sup> September 2013.

are just following our religion'.<sup>256</sup> Participants felt that customary and religious marriage processes take place in a realm outside of the law or the legal system:

'If you are going for legal marriage the courts will ask for those documents. It's not our responsibility.' (India)<sup>257</sup>

'Marriages are arranged through mutual understanding between the families. We are not responsible for the age [of marriage candidates]. After the marriage we will not be responsible for what happens.' (India)<sup>258</sup>

Many participants felt that government and law enforcers themselves were unwilling to enforce age of marriage laws, which do not necessarily fit with the culture and society of which they are a part:

'The police do not step onto traditional ideas too much.' (India)<sup>259</sup>

'The police are also a part of the society. They also have daughters, and the time will come when they will want to get married.' (India)<sup>260</sup>

'Society is bigger than the law.' (India)<sup>261</sup>

'Government Officers do not want to get into community issues.' (India)<sup>262</sup>

As a court magistrate in Kenya explained: 'sometimes you will be asking a leader to support your efforts [to prevent child marriage] who himself has taken a small girl as his wife.'<sup>263</sup>

Out of the four countries studied, only Vietnam, registers most marriages. Rates of child marriage are, as stated, much lower in Vietnam compared to other contexts. Structural social, cultural and economic changes, together with the socialist policy which banned the practice of bride-price are thought to have led to a decline in early marriage in contemporary Vietnamese society.<sup>264</sup> Even in Vietnam, however, the practice of early marriage persists in some communities, generally taking place for reasons of early pregnancy, culture or custom. In these instances, marriages take place informally, and are not registered.<sup>265</sup>

*At what age do people generally get married?*

According to law females at 18 and male at 20 years.

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<sup>256</sup> Interview, Pundit, Lucknow, Maharashtra, 14<sup>th</sup> September 2013.

<sup>257</sup> Interview, two Pundits, Nampara, Uttar Pradesh, 10<sup>th</sup> September 2013.

<sup>258</sup> Interview, two Pundits, Nampara, Uttar Pradesh, 10<sup>th</sup> September 2013.

<sup>259</sup> Interview, Pundit, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>260</sup> Interview, two Pundits, Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

<sup>261</sup> Interview, Pundit, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>262</sup> Interview, family, Mumbai, Maharashtra, 17<sup>th</sup> September 2013.

<sup>263</sup> Interview, Magistrate, Kwale, Kenya, 11<sup>th</sup> September 2013.

<sup>264</sup> Choe, M, Westley, S, Retherford, R. (2002) *Tradition and Change in Marriage and Family Life*. In: East-West Centre, *The Future Population of Asia*, Honolulu [online] Available from:

<http://www.eastwestcenter.org/fileadmin/stored/misc/FuturePop04Marriage.pdf> [Accessed February 2014].

<sup>265</sup> Participants in the research cited early pregnancy and 'just getting in love' as major reasons for early marriage in Vietnam. However, staff from the Plan Country Office explained that culture, custom, gender equality and labour relations, especially in mountainous areas also play a role.

*But when do people actually get married?*

There are many cases of early marriage; in my home town many people get married before this age. I'm married at 17 and my wife is 16 years. But our marriage is not officially registered.

*Why did you get married?*

Because she got pregnant.<sup>266</sup>

### 6.3.3 Enforcing child marriage law and prevention of child marriage

Whilst, as stated, the research generally revealed that minimum age of marriage laws are not being enforced, researchers were informed of two cases where law enforcement, through age verification, had prevented individual cases of child marriage. In one rural site in **Maharashtra**, India, participants told researchers of a case where the police had intervened to stop the marriage of a girl of 15 years to an older man, that had been arranged by their parents.

*Are laws on child marriage ever enforced?*

There was a case where [a marriage was arranged and] the girl was 15 years old. The police came and took everyone to the prison including the Priest. The Priest got out because the marriage was not solemnised. The parents of the girl were arrested and kept for one day. Then they were let out with a warning.

*Did that prevent the marriage?*

Yes. The marriage happened after 2 years later, when the girl became the right age.

*How did the family react to that?*

The family were very angry. They had invited all the guests and everything. The parents were humiliated.

*Did it cause any conflict?*

Not a conflict, but it created a whole level of awareness. Which helped others to realise they should not do the same thing. It made a lot of impact.<sup>267</sup>

In this case, the age of the girl in question was allegedly verified through her school records, rather than through the production of a birth certificate. Nevertheless, this case provides an example of how the enforcement of law, through the use of age verification and documents, can sometimes be used as a useful means for preventing individual cases of child marriage, and raising awareness about the issue more broadly. In Sierra Leone researchers were also informed of a case where the marriage of a young girl had allegedly been prevented through the production of her birth certificate, although this information was anecdotal and secondary: the participant reported to have heard this story on the news.<sup>268</sup>

### 6.3.4 Enforcing child marriage law and prosecution of child marriage

Researchers did not hear of any cases where an adult was prosecuted for arranging the forced marriage of a child. Problematically, however, the research did reveal cases where enforcement of law was being used to prosecute children where the family of a young couple objected to their relationship. Researchers were told of cases in both Kenya and India, where families had reported elopement or (unintended) pregnancy to the police, with the hope of

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<sup>266</sup> Focus group discussion, internal migrant children, Hanoi, 15<sup>th</sup> August 2013.

<sup>267</sup> Interview, Pundit, Khasara Village, India, 19<sup>th</sup> September 2013.

<sup>268</sup> The participant who relayed this story reported to have heard it on the radio.

prosecuting the boy for abduction and rape on the grounds that their daughter was underage: 'there are cases [brought to the authorities] [of] child to child relationships when they are underage and the girl conceived.'<sup>269</sup> A county level magistrate in Kenya expressed concern that the application of the law is not effectively addressing the issue:

Child to child defilement has gotten us worried. The people drafting the Sexual Offences Act never took into consideration the unique circumstances related to culture. They only thought of grown-ups taking advantage of a child. You can see this looking at the sentences. [The law] should express sentences for minors that are not as harsh... There are so many things that intertwine – poverty, lack of education. These kids have been sitting at home with nothing else to do... [Sometimes] a girl will say her father is lying [about her age].<sup>270</sup>

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There was a case of a girl and boy who were both in school. They fell in love and had sexual intercourse. The girl got pregnant. The boy took her for an abortion, but they had no money. The girl reported her pregnancy to her aunt, and the parents reported the case to the police. The court decided to keep the boy in a special home. The boy objected saying: 'what have I done wrong? She also enjoyed.' The court is proceeding with prosecution.

Prosecution for what?

[Stunned look:] kidnapping, and rape...

How old are those children?

The boy is now 17; at the time (of the relationship) he was 15. The girl is now 16. At the time she was 14 years.

How were their ages established?

They had birth certificates. Their birth certificates were accepted [as proof of age].<sup>271</sup>

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There was a case where a boy and girl got married. There was a family dispute so the boy got arrested. He was in prison for some days.

Why was he arrested?

The boy was supposed to marry one girl, but he had an affair with someone else. His family wanted him to marry another girl, but [he] eloped [with the girl of his choice]. So the families of the boy and also the girl lodged a complaint. They said the girl was underage. So the boy was arrested for some time. Finally what happened was the police found out that they were both in fact over 18 years. So the matter was settled.

How did they verify the age?

Through their school leaving certificates, and the *janam kundi*.<sup>272</sup>

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<sup>269</sup> Interview, Chief, community near Kwale, Kenya, 11 September 2013.

<sup>270</sup> Interview, Magistrate, Kwale, Kenya, 11<sup>th</sup> September 2013.

<sup>271</sup> Interview, representative from the Juvenile Justice Board, Mumbai, Maharashtra, 20<sup>th</sup> September 2013.

<sup>272</sup> This is a horoscope reading of the position of the planets at a person's birth. It provides a record of the exact date and time of birth; focus group discussion, youths, Lucknow, Uttar Pradesh, 14<sup>th</sup> September 2013.

The research indicates that laws that are designed to protect women and girls against sexual violence and early marriage are instead functioning to preserve sexual ‘decency’: to maintain social (family) control over young people’s relationships, and criminalise young people’s sexual choices where they are deemed inappropriate. The use of age verification documents, including birth certificates, was reported in these cases. Although such prosecutions of children are not child-rights oriented, they nevertheless demonstrate the potential use of birth registration as a tool for enforcing the law, albeit in a manner detrimental to the rights of children in these specific instances.

### **6.3.5 Conclusions: child marriage**

The (potential) role that birth registration can play in preventing early marriage is through the information a birth certificate can provide about the age of children, in order to improve enforcement of laws that establish a minimum age for marriage. The research demonstrates that whilst birth certificates might be expected to play a role in protecting children from early marriage they are rarely serving this function in practice in the contexts explored in this research. Whilst participants are aware of legal rules concerning the minimum age for marriage, they don’t necessarily consider them to apply to forms of customary, religious or informal marriage. Most marriages are officiated through informal or customary process and celebrants aren’t usually concerned with age verification, especially the production of official documents.

Furthermore, whilst laws that prohibit child marriage may be enforced in isolated circumstances, they are unlikely to achieve broader, sustainable change if they fail to address the causes of the practice: prevailing discriminatory ideas about gender and sexuality, tied to powerful economic structures and institutions, such as the institution of dowry, and those (institutions) that perpetuate structural poverty. As a study by the Asian Development Bank concludes: ‘as long as poverty provides a strong incentive to marry off young girls, regulating the age of marriage is likely to remain a mere aspiration.’<sup>273</sup> In fact, the data demonstrates how easily legal rules designed to protect children, and the introduction of norms prohibiting child marriage and sexual abuse, instead of challenging (harmful) community practices, are incorporated into existing systems of cultural (normative) reasoning, such that they acquire an entirely different function and meaning in practice.

## **6.4 Child protection: conclusions**

Birth registration has been expected to play a role in facilitating the protection of children against different forms of abuse, through providing information about the age of individual children required for enforcing legal rules. This is thought to be especially likely in the case that birth registration is pursued within the context of a broader, functioning child protection system.<sup>274</sup> The data indicates, however, that, in the four country case studies selected for this research, birth registration is rarely playing a role in protecting children from child marriage and labour in practice.

The evidence indicates that attempting to promote child protection through the expansion of birth registration (specifically) and law enforcement (more broadly) is not having the intended effect in these contexts. This is partly because laws protecting children are not fully implemented and regulatory systems are not always functioning in practice. The data indicates that until systemic social, cultural and economic issues are addressed, the role of a birth

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<sup>273</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p.12.

<sup>274</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

certificate within a functioning legal system will be limited. Furthermore, the evidence suggests that in some cases, these interventions can give rise to unintended consequences with problematic implications for children's rights.

## 6.5 Child protection: recommendations

### 6.5.1. A holistic and integrated approach to birth registration in child rights programming

The relationship between birth registration and access to other children's rights and services was found to be complex and context specific. It is important to recognise that birth registration, as a stand-alone right, does not necessarily contribute to child protection. However, birth registration should not be carried out as an isolated intervention and should be integrated into child rights programming. Therefore it is recommended that:

- **Governments, with the support of donors and civil society should be urged to adopt a holistic and integrated approach to children's rights when programming or advocating for birth registration. In the context of child protection, birth registration alone is not an effective means to combat child marriage or child labour. If these issues are to be addressed, multiple interventions such as legislation and change in social norms are required.**

### 6.5.2 Child marriage recommendations

Law enforcement of minimum age of marriage law is only one measure for addressing child marriage. This was not found to be particularly effective as a protective measure where the minimum age of marriage conflicted with cultural and traditional norms. It is therefore recommended that governments, with the support of donors and civil society, should:

- **Engage and mobilise parents, teachers, religious leaders and community members to carry out awareness-raising activities and promote education and dialogue as effective tools for changing social norms, attitudes and practices to create environments where girls and boys are able to make autonomous and informed choices and decisions on marriage.**
- **Develop and implement effective legislation, which should:**
  - **Strengthen local and national monitoring and enforcement mechanisms.**
  - **Raise awareness of legislation and legal safeguards to ensure effective implementation.**
  - **Allocate appropriate technical, financial and human resources for, and strengthen the capacity of, key actors in eliminating child marriage.**

### 6.5.3 Child labour recommendations

Birth registration was found to have limited effect on prevention of child labour because many children are working informally. It is therefore recommended that governments, with the support of donors and civil society, should focus advocacy on:

- **Addressing the underlying causes of child labour, protecting working children from abuse and exploitation and ensuring they have access to educational opportunities.**



## Chapter 7: Government Planning

### 7.1. Expected Relationship

This chapter focuses on objective II of the study: the benefits of birth registration to the State. The research examined how governments use birth registration statistical data for development planning and governance purposes, and looked in particular at how data is being used to: better realise child rights; implement children's rights; monitor important development indicators; and how data contributes, or could contribute, to a country's social and economic growth. It is worth noting that there are links between birth registration and civil rights specifically, which would make interesting consideration; however, this did not fall within the scope of this research. Chapter 4 considers the relationship between birth registration and legal identity with regards to the *individual* whereas the findings presented below explores the benefits of birth registration to the *state*.

Advocates for universal birth registration, particularly in the context of development, often emphasise its importance for 'development planning'. The Asian Development Bank notes that the civil registration process 'can generate continuous population data, which could be useful to both government agencies and donor organisations in policy planning and defining development priorities.'<sup>275</sup> Information about the age and distribution of the population may be useful, for instance, in planning the provision of services, such as health and education services, more effectively. It has also been suggested that data can be disaggregated according to demographic characteristics in order to reveal disparities and vulnerabilities enabling governments to direct interventions to where they are most needed. Population data can enable planners to predict population patterns accurately and allow for better allocation of resources and service delivery in the future. Birth registration advocates have claimed that this data helps to promote children's rights through enabling effective government planning and improved delivery of services to children.

The particular value of birth registration data to governments, and the expected relationship between birth registration and governance, are summarised below:

- a) Birth registration is an integral part of a civil registration system, which is understood to provide government with crucial data about population dynamics and vital statistics information on national and sub-national levels;
- b) Civil registration data is preferable to other forms of data (such as census data) because it is the only population data that is complete, continuous, real time, and accurate;
- c) Accurate data can improve a number of government functions, including the planning and implementation of public services and development programmes across sectors. It can also be used to evaluate the impact of policies and programmes and thus improve their effectiveness;

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<sup>275</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p.32.

d) Given that donors often base their calculations for development assistance on population information, reliable civil registration may strengthen country applications for donor support, and CRVS systems may also be relevant for measuring development indicators.<sup>276</sup>

**How different government departments might use civil registration data:**

- Detailed information about age distribution and rates of population change across a country can inform finance departments' policy on taxation and public spending.
- Data on population and rates of change can assist planning departments in prioritising development of infrastructure where it is most needed.
- Finally statistical information on fertility and mortality rates and causes of death can enable Ministries and/or Departments of Health to anticipate and respond to health needs more effectively, and to identify high-risk groups.

However, in order for government to use birth registration data effectively, it is proposed that a number of conditions must be met:

1. Birth registration rates must be high;
2. Birth registration data must be accurate;
3. Birth registration systems must be reliable and data must be shared effectively with relevant stakeholders.

Furthermore, while birth registration data should contribute to governance that promotes human rights overall, in the case of social and economic growth, it is proposed that three more conditions must be fulfilled:

1. The government must have the resources necessary to utilise the information from birth registration data, and to implement policies and provide services;
2. Political and economic factors must not be determining the distribution of services, benefits, and other government interventions, rather than need demonstrated by data;
3. The government must be committed to upholding the rights of the population, and providing services to the entire population without discrimination.

Two important points emerge from this analysis: the first is that in order for birth registration data to be useful it needs to be part of an effective, comprehensive and reliable civil registration system. Unfortunately, such systems do yet not exist in many countries.<sup>277</sup> The second point to emerge from the analysis is that although civil registration data improves the ability of the government to perform a number of governance functions, it does not have any inherent or direct impact on whether the State operates in a democratic fashion, has a governance system which is accountable, or is committed to providing services and delivering rights to children.

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<sup>276</sup>According to a report from United Nations Economic Commission for Africa (UNECA) (2012) *Report of Civil Registration and Vital Statistics System in Africa*, CRVS systems provide inputs on 42 out of the 60 MDG progress indicators.

<sup>277</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

## 7.2. Research findings: government planning

All four case studies included extensive research with government officials at national, province/district and local levels, and explored *if* and *why* birth registration was a priority for government, and *how* government was using the birth registration data currently obtained:

- In Kenya, interviews were conducted with representatives from the Ministry of Education, the Civil Registration Department, the Ministry of Justice, National Cohesion and Constitutional Affairs, and the Ministry of Public Health and Sanitation.
- In Sierra Leone, the research included interviews with the Ministry of Education, Science and Technology, The Ministry of Justice, Statistics Sierra Leone, the Ministry of Labour, the Ministry of Labour, the Ministry of Social Welfare, Gender and Children's Affairs, and the Ministry of Health and Sanitation.
- In Vietnam interviews with government were conducted at the Provincial, District and Commune level, including representatives from the Departments of Education, Health, Justice (who are responsible for implementing birth registration) and Labour, Invalids and Social Affairs. At the national level researchers spoke with the Ministry of Labour, Invalids and Social Affairs, and obtained responses to written questionnaires from the Ministries of Health and Justice.
- In India interviews were conducted with officials from the Ministries of Urban and Rural Development; the Ministry of Health and Family Welfare; the Ministry of Statistics and the Ministry of Women and Child Development.

### **Research Limitations**

Our ability to study how governments use birth registration data for planning and other activities was limited due to low registration rates in case study countries. Three out of the four countries included in the qualitative study (and all countries included in the quantitative study) have rates of birth registration that are too low to use for accurate population data – according to most recent estimates the birth registration rate in India is 41%<sup>278</sup>, in Sierra Leone is 78%<sup>279</sup> and in Kenya is 60%<sup>280</sup>. As long as the barriers that contribute to low rates of registration (discussed in Chapter 3) persist, this is unlikely to change, and birth registration data is likely to continue to have limited usefulness for government planning. Indeed, in Kenya, Sierra Leone and India birth registration data is not complete enough to be used as a reliable source of information by any government ministries. In Kenya and Sierra Leone, however, several representatives of government ministries mentioned that their governments have

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<sup>278</sup> DHS Programme *India: Standard DHS 2005-2006* [online] Available from: <http://dhsprogram.com/what-we-do/survey/survey-display-264.cfm> [Accessed January 2014]. Whilst 2005-2006 was the most recent data on birth registration available for analysis from DHS/MICS at the time of this research, it is worth noting that an estimate from the Office of the Registrar General of India indicated that it was 62.5% in 2005 and 82% in 2012: Office of the Registrar General (2010) *Vital Statistics of India* [online] Available from: [http://www.censusindia.gov.in/2011-Documents/CRS\\_Report/CRS\\_Report\\_2010.pdf](http://www.censusindia.gov.in/2011-Documents/CRS_Report/CRS_Report_2010.pdf) [Accessed May 2014].

<sup>279</sup> UNICEF (2013) *At a glance: Sierra Leone statistics* [online] Available from: [http://www.unicef.org/infobycountry/sierraleone\\_statistics.html](http://www.unicef.org/infobycountry/sierraleone_statistics.html) [Accessed January 2014]; *Sierra Leone: Standard DHS* [online] Available from: <http://www.measuredhs.com/what-we-do/survey/survey-display-324.cfm> [Accessed January 2014].

<sup>280</sup> DHS Programme *Kenya: Standard DHS 2008/2009* [online] Available from: <http://www.measuredhs.com/what-we-do/survey/survey-display-347.cfm> [Accessed January 2015].

developed action plans for increasing registration in order to strengthen their CRVS systems. Their reasons for doing so may provide insights into why and how birth registration can benefit governments.

Finally, particularly in Kenya and Vietnam, governments reported using (or hoping to use) birth registration for other purposes, including population management and control and reporting to the international aid community. These additional benefits of birth registration to governments will also be considered in this section.

### 7.2.1 Birth Registration and government planning in practice

Government officials in all four case studies were clear that civil registration data is not being used for planning, policy development or resource distribution at present.

*Is there any routine data collected in Sierra Leone that is reliable enough to use for planning, such as civil registration data, for example?*

No, no...The government ministries rely on the data we collect [census data]. We try to be as professional as we can be.<sup>281</sup>

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*And how far off is Kenya from having the birth registration rates necessary to use the data for government planning?*

Maybe 3-4 years. Only we will have a challenge for older people who do not need papers and do not see the reason why they should need them.<sup>282</sup>

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There is no direct relevance of birth registration [for our planning]. For a benchmark we used census data. If we need more specific data we use surveys.<sup>283</sup> (India)

Whilst incomplete registration rates are one barrier to achieving useful data from birth registration, the accuracy of civil registration systems are a further consideration. Where a civil registration system is not accurate and reliable, data it produces may not be correct: 'the statistical function of a civil registration system depends on standard mechanisms and procedures for collecting, documenting, transmitting, storing, consolidating, and analysing the data collected by local registrars.'<sup>284</sup> This was a problem raised in particular by respondents in Kenya and Sierra Leone:

*Do you issue birth notifications?*

We are supposed to but we find we lack the registration books and previously we were not very serious about it. But now we have to give the notification and instruct the mother to go for a birth certificate

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<sup>281</sup> Interview, representative from Ministry of Planning, Freetown, Sierra Leone, 19 July 2013.

<sup>282</sup> Interview, representative from Ministry of Education, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>283</sup> Interview, representative from Ministry of Women & Child Development, Mumbai, India, 17<sup>th</sup> September 2013.

<sup>284</sup> Vandenabeele, C and Lao, C. (2007) *Legal Identity for Inclusive Development*, Asian Development Bank, Philippines, p. 33.

within three months. But we have a problem with stationary - we do not have the forms right now. We will have to go all the way to Kwale County to get them.<sup>285</sup>

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*How is the birth notification system working?*

It is working, but sometimes when the mother goes to get the birth certificate the record is not found.<sup>286</sup>

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*Do you keep records of all registered births?*

We have storage problems; the war destroyed a lot of these things.<sup>287</sup>

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The use of this [birth registration] data in budgeting, planning is very limited, because one of the problems we are facing is poor data management, we can accept that, at all levels.<sup>288</sup>

As put by a representative of the Technical Working Group on civil registration in Kenya, 'the use of vital statistics is minimal because it is not quality.'<sup>289</sup> This demonstrates how, whilst civil registration systems have the potential to provide higher quality data than census or surveys, the system must be highly effective in order to do so. Indeed, in Kenya, respondents in Kwale reported travelling to the Civil Registration Office with a birth notification to collect a birth certificate and not being issued with the birth certificate because the office had no record of the registration.

Government representatives at central, district and local levels in all four case studies reported that where planning is occurring based on statistical information about the population, census data is used or data is collected at the local level. In Vietnam, government officials indicated a preference for collecting their own population data in order to ensure its accuracy. Provincial and District representatives maintained that: 'our data is the most official, accurate data. We cannot rely on information about children from other sources.'<sup>290</sup>

*What information do you use in your work? (Vietnam)*

Our planning depends on the total number of newborn children, on population growth, on sanitation and the environment, on the number of children under one year, and then number of children under-5 years.

*What are the main sources of that data/information?*

We collect data from the statistics office and the commune health care center.

*Do you know where the statistics office get their data from?*

The centre's use surveys annually and quarterly.<sup>291</sup>

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<sup>285</sup> Interview, Health Official, Kwale, Kenya, 11<sup>th</sup> September 2013.

<sup>286</sup> Interview, representative from Kinango District Hospital Records Office, Kwale, Kenya, 12<sup>th</sup> September 2013.

<sup>287</sup> Interview, Village Chief, community near Freetown, Sierra Leone, 13<sup>th</sup> July 2013.

<sup>288</sup> Interview, Doctor and Ministry of Health Representative, Ministry of Health, Freetown, Sierra Leone, 19<sup>th</sup> July 2013.

<sup>289</sup> Interview, representative from ICFI, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>290</sup> Interview, representative from the Department of Education, Hanoi Province, Vietnam, 13<sup>th</sup> August 2013.

<sup>291</sup> Interview, representative from the Department of Health, Hanoi Province, Vietnam, 14<sup>th</sup> August 2013.

While planning based on civil registration data has several advantages (discussed below), it is good practice that governments in Sierra Leone, Kenya and India are not using civil registration data for planning at this stage given their incomplete birth registration rates. Planning based on incomplete data is likely not only to be inaccurate; but also likely to reinforce existing inequalities given that the unregistered members of the population are likely to be the particularly disadvantaged sections of the population. It is difficult to understand, however, why birth registration data is not used more widely in Vietnam given that the rate of birth registration is said to be 95%.<sup>292</sup>

### 7.2.2 Birth registration and government planning in the future?

Despite the limitations of using civil registration data for planning described above, in Kenya and Sierra Leone governments informed researchers that they intend to use birth registration data for planning once this data is available, complete and reliable. Indeed, representatives of various government ministries emphasised that registration data is important for planning, particularly in order to know the geographical distribution of the population to effectively deliver services, and to determine development priorities. Several government officials emphasised that civil registration data is likely to be the most useful and reliable form of data for monitoring and planning, because it is continuous, real time, and it can provide an accurate denominator for the calculation of demographic indicators.

#### *What is the advantage to using civil registration data?*

All over the world vital registration data is the most reliable. It is recognised as the most reliable because it is continuous, real time and provides a denominator for calculating all indicators in terms of demographic data. Census data is poor... it is delayed. All ministries depend upon this data. It is basic data that you need for planning. It is also incomplete. According to a technical working group representative, the Department of Planning and National Development has been the government department that is most supportive of civil registration initiatives, but all government has indicators that trickle down. We need to improve quality before using this data.<sup>293</sup>

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#### *You say data collection is part of the first stage of development. Tell us why data is important for development?*

If you can't measure you can't count. You need to know what is needed in order to do what you need to do. Now what do I mean by that. If you do not know how many people or how many localities don't have safe drinking water you wouldn't know how many wells to go and dig. If you don't know how many deaths occur as a result of child birth or you do not know the magnitude of the intervention. You need data, you need information ... a lot of the information that is routine in developed countries that is not routine here.

#### *Can you give me an example of that kind of data?*

All births are recorded, all deaths are recorded, and everything is computerised in a database somewhere. Here everything you need you need to go collect. A lot of the data is done through sample surveys.<sup>294</sup>

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<sup>292</sup> According to MICS 2011, the most recent data on birth registration in Vietnam: Child Info (n.d.) *Statistics by area: child protection* [online] Available from: [http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014].

<sup>293</sup> Interview, representative from ICFI, Nairobi, Kenya, 6 September 2013.

<sup>294</sup> Interview, representative from Ministry of Planning, Freetown, Sierra Leone, 19<sup>th</sup> July 2013.

The importance of location specific population data is particularly relevant to the Kenyan government. Due to recent changes in the Constitution, Kenya is moving to a devolved system of government, under which the national government will defer to local (county and sub-county) level government structures for decisions about policy, the administration of public services, etc. A critical issue to be determined is how funding will be allocated from the national to the county level. Government officials at national and district levels, as well as chiefs at the sub-county level, stressed that civil registration data showing population figures is likely to play an important role here.<sup>295</sup> Sierra Leone is equally engaged in a decentralisation process aiming to ensure resource transfer from central to municipality level for the purpose of ensuring equal distribution of services.

As mentioned in Chapter 4 on access to services, and explored in the introduction to this section, civil registration data may be particularly relevant for planning and monitoring the delivery of healthcare services. Indeed, collecting data on births and deaths was reported to be a priority of the Ministry of Health in Kenya and Sierra Leone, particularly in terms of planning appropriate and appropriately scaled interventions to meet the health needs of the population.

*What information do you use in your planning? Do you link with the directorate on information or policy and planning?*

Yes at this level we gather a lot of information – every week we produce epidemiological reports. Some diseases, we try to monitor them, including cholera, diarrhoea, meningitis, tetanus; we try to monitor them to see how they are occurring in the facilities. This we put into monthly reports, with the number of deliveries we have got, the number of deaths we have got, the number of immunisations, the number of children who are malnourished, and how they are being treated - we collate these reports for all facilities – we have 118 facilities – we send it to the Directorate of Policy and Planning and then Information. So they collate it for the country and that gives us an idea of what is happening in the country.<sup>296</sup>

*Do you know if the Ministry of Health is interested in birth registration data?*

They are keen; since we started delivering these services (birth registration) we started reporting them to the national level. We provide birth notifications for every birth and those who come back – I have birth registries from 1972.<sup>297</sup>

Representatives of the Ministries of Education in Kenya and Sierra Leone emphasised the importance to the Ministry of having access to accurate figures on the age breakdown of the population in different parts of the country over time in order to allocate resources appropriately.

We need to know the region the child comes from. This is important to ensure that resources are allocated correctly. We have some areas that are disadvantaged in the northeast regions. We have a programme that targets these regions – girls are provided for when they go to secondary school. (Kenya)<sup>298</sup>

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<sup>295</sup> Interview, representative from Ministry of Education, Freetown, Sierra Leone, 15<sup>th</sup> September 2013.

<sup>296</sup> Interview, Doctor and Ministry of Health Representative, Ministry of Health, Freetown, Sierra Leone, 19<sup>th</sup> September 2013.

<sup>297</sup> Interview, representative from Kinango District Hospital Records Office, Kwale, Kenya, 12<sup>th</sup> September 2013.

<sup>298</sup> Interview, representative from Ministry of Education, Nairobi, Kenya, 6<sup>th</sup> September, 2013.

The Ministry of Education in Kenya also aspires to use this data to predict population trends geographically in order to plan appropriately and monitor the impact of services:

We need it in order to be able to know the right population structure of the country, to be able to plan appropriately. To know how much money you need per year in the future. To know how kids are progressing.<sup>299</sup>

Interestingly, many respondents in the general population in India, Kenya and Sierra Leone were also of the view that birth registration is (and should be) a priority for government in order to obtain data for planning:

What are the advantages of birth registration from the government's perspective?

When you know the population size you are able to plan – you know the population. You can demark political boundaries, you determine development priorities (such as rural education problems), and you can address socio-economic problems. (Kenya)<sup>300</sup>

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I feel it is important – you need to have it. The government needs it for statistical reasons. (Kenya)<sup>301</sup>

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Birth registration is a good thing – at least to get to know the population statistics. I am not aware exactly why the government collects data, but they might want it for some kind of policies. (India)<sup>302</sup>

The research in Sierra Leone and Kenya also revealed that governments are increasingly prioritising birth registration due to encouragement from donors and other development actors. Several representatives of ministries indicated that birth registration data is necessary for reporting to international aid organisations and donors. Specific and timely information about the population, including age distribution and geographical distribution, as well as projections that can predict population trends, are necessary to justify the size, scale and location of aid interventions and to demonstrate need for funding.

[On statistical information regarding births, deaths, and disease collected by the Ministry of Health at local levels in Sierra Leone] Do you send the data you collect anywhere?

We do reporting of data to partners, generally we send it to the central level and they submit it to partners, sometimes we submit it to partners.

Which Partners?

Like WHO is a partner, UNICEF is a partner ... those are the two major ones. They are always interested, they always want to see our data and we always have a problem. We always have a problem, because they find it difficult to understand and sometimes we find it difficult to understand. They go to central statistics and they say there are 10,000 and we say there are more than 10,000 people. We have to adjust to the

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<sup>299</sup> Interview, representative from Ministry of Education, Nairobi, Kenya, 6<sup>th</sup> September, 2013.

<sup>300</sup> Interview, Assistant Chief, community near Nairboi, Kenya, 3<sup>rd</sup> September 2013.

<sup>301</sup> Focus group discussion, parents, Nairobi, Kenya, 5<sup>th</sup> September 2013.

<sup>302</sup> Interview, young man, Khasara Village, Maharashtra, India, 19<sup>th</sup> September 2013.



national numbers (which are based on census data) – it is the accepted number. But these are not the numbers that we find when we go to deliver the service.

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The WHO does not accept vital statistics that do not conform to international standards – for instance the diagnosis process is not harmonised. (Kenya)<sup>303</sup>

Indeed, according to respondents, leadership on the development of the civil registration system in Kenya has come from the Technical Working Group on Civil Registration,<sup>304</sup> which is funded by USAID and works in partnership with UNICEF and the WHO, ‘to strengthen the system of monitoring and evaluation’ and to support the Civil Registration Department to generate data that can be used by the National Bureau of Statistics:

‘Our approach is to support the Ministry in order to help them generate data for the civil registration department – the National Bureau of Statistics is mandated to handle data...we try to create a linkage. We cannot get good trends if the system is not integrated.’ (Kenya)<sup>305</sup>

Thus, according to respondents in Kenya and Sierra Leone, some of the push for civil registration data is coming from donors and development organisations. It seems that it is now a major priority for the Kenyan and Sierra Leonean governments, who have requested technical assistance to improve civil registration in their countries.

Civil registration data may also be necessary in order to monitor and report on the reach and impact of development interventions, policies and programming. Indeed, several government representatives reported being unable to calculate relevant indicators such as the net enrolment rate or maternal mortality rates because of inaccurate data; the Ministry of Education in Sierra Leone bemoaned that ‘the net rate is over 100% because people are in school who are not the correct age and unregistered people are enrolled.’<sup>306</sup>

Government officials in Kenya and Sierra Leone also raised an important challenge faced by government: where data exists, the resources to utilise and analyse the data do not. In the words of a health official in Kenya, ‘the data is there, but they are not using the data.’<sup>307</sup> Therefore, whilst civil registration data can be used to contribute to improved provision of services, lack of resources and infrastructure to utilise the data can be a barrier to this.

Even where it was recognised that capacity to utilise data is low, participants still placed significant emphasis on the importance of using data and statistics to develop policy. Several officials in Kenya highlighted the importance of moving from ‘political’ or ‘arbitrary’ decision making to ‘rational’ and ‘evidence based’ decision-making. Their statements reflect a cultural shift towards valuing the authority of objective and rational systems in contrast to traditional methods. It may also relate to a greater understanding of the need for accountability. As put by the IFCl representative:

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<sup>303</sup> Interview, representative from ICFl, Nairobi, Kenya, 6<sup>th</sup> September, 2013.

<sup>304</sup> A ‘private-public partnership’, which included ICF International, a for profit American consulting firm, Tulane University, the University of South Carolina and several NGOs including Plan International.

<sup>305</sup> Interview, representative from ICFl, Nairobi, Kenya, 6<sup>th</sup> September, 2013.

<sup>306</sup> Interview, representative from Ministry of Education, Freetown, Sierra Leone, 13<sup>th</sup> July 2013.

<sup>307</sup> Interview, representative from Kinango District Hospital Records Office, Kwale, Kenya, 12<sup>th</sup> September 2013.

‘The government is realising they have to do government based on decision making as opposed to arbitrary reasons – they cannot build a hospital and say ‘it’s just a feeling.’ Don’t just say – ‘I dreamt this and now we have done it.’ They need to realise this is the way forward. They have limited resources – they must peg decisions on concrete evidence – the progress of developing countries hinges on it.’<sup>308</sup>

In Vietnam and India, in contrast to Kenya and Sierra Leone, birth registration data was *not* articulated as a future priority for *planning* by government officials at any level. In India, it was stated that:

‘There is no direct relevance of birth registration [for our planning]. For a benchmark we used census data. If we need more specific data we use surveys.’<sup>309</sup>

In Vietnam, a number of national level representatives of a number of government ministries were not interested in participating in the research, stating that they did not see birth registration as having any relevance to their work.<sup>310</sup> The research did include interviews with representatives from different government departments at the Province, District and Commune levels and they were willing to share their views about the use of birth registration by the Ministry of Justice, however, they confirmed that birth registration ‘has nothing to do with our work’ and any data used for planning comes from other sources.

The lack of wider government interest in the use of birth registration data for planning purposes in India and Vietnam may be related to the fact that donors and other development organisations have a much smaller presence there. India and Vietnam are middle-income countries and donors and development actors have been withdrawing in recent years, whereas the development bodies and agencies remain heavily invested in Kenya and Sierra Leone (for further details on levels of development in all case study countries see the country typologies in Appendix A). As shall be explored in section 7.2.3 below, whilst it seems that birth registration data is not used for *planning services* in Vietnam and India, the research indicates that it has another use by governments: monitoring and controlling the population.

### 7.2.3 Other uses of birth registration

When asked *why* birth registration is a priority for government, officials in all four case study countries emphasised that birth registration is useful to government as a source of information about the population. According to respondents this information is useful for a number of purposes other than planning public services, namely: distinguishing citizens from foreign nationals, and monitoring and controlling the population. Whilst the first point is largely addressed in Chapter 4 on legal identity, the second point involves the government’s use of birth registration *data*. Understanding how birth registration data is used by governments at present is relevant to the sub point on research question 5; how does governments’ use of birth registration data impact on child rights and on social and economic growth?

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<sup>308</sup> Interview, representative from ICFI, Nairobi, Kenya, 6<sup>th</sup> September 2013.

<sup>309</sup> Interview, representative from Ministry of Women & Child Development, Mumbai, India, 17<sup>th</sup> September 2013.

<sup>310</sup> With the exception of the Ministry of Justice (which governs the civil registration process), the Ministry of Labour, Invalids and Social Affairs and the Ministry of Health.

In Vietnam, the country with the highest registration rates and most effective system of birth registration, government officials interviewed in the research reported that the government does not use birth registration for planning the delivery of services or development of infrastructure, but does use birth registration to monitor and manage the size and movements of the population.

*What is the purpose of the birth registration system?*

The cities are becoming really overcrowded. It's a way of contesting population movements.<sup>311</sup>

Indeed, almost every interviewee (government officials and members of the population alike) in Vietnam mentioned the need for the Government to be able to 'manage the population' and 'control the conditions' of the population. In particular, respondents mentioned the role of birth registration in enforcing the Vietnamese government's 'two child' policy.

*Are you familiar with the birth registration system in Vietnam?*

It helps to enforce the law on the population – it limits the number of children in each family. When families give birth to a third child they don't want the committee to know so they will hide the child and the child doesn't have a birth certificate.<sup>312</sup>

*Does your department use data from birth registration for its' planning?*

The data will be used to manage the numbers of children in each family – the boys and girls.<sup>313</sup>

In India population management was also understood by participants to be a government priority; the issue of gender-imbalance in the population was consistently raised. Participants felt that it is important for the government to monitor the gender ratio of the population through collecting information about the sex of new babies born, on the grounds that birth registration data would provide the most accurate data for determining the extent and nature of the problem (e.g. providing insight into the extent of sex-selective abortion).

The Indian government is seeking to introduce a national ID card system, which would involve scanning an individuals' retina and taking their fingerprints. Participants described the purpose of this system as being to promote national security and address terrorism.

*Why are they introducing this new ID system?*

We don't know what it will be used for. But people have their ideas; it could be used for national security, anti-terrorism – the security cameras can register your retina. The private companies have been pushing for it. We don't know what it will be used for – it's a huge data base. They ask you for consent for the government to share your data.<sup>314</sup>

Thus, the research suggests that birth registration is important for certain government departments in Vietnam and India, however it seems that its main purpose is to monitor and control the population rather than for planning.

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<sup>311</sup> Interview, representative from Department of Justice, District level, Hanoi Province, 14<sup>th</sup> August 2013.

<sup>312</sup> Interview, Doctor at a Health Centre, Phu Tho Province, Vietnam, 19<sup>th</sup> August 2013.

<sup>313</sup> Interview, Medical Official, Phu Tho Province, Vietnam, 20<sup>th</sup> August 2013.

<sup>314</sup> Meeting with NGO supporting people living in the slums surrounding Mumbai, 16<sup>th</sup> September 2013.

Similarly, in Kenya, government officials identified the purpose of promoting birth registration and other forms of legal identity as relevant to monitoring the influx and movement of refugees:

*When you receive information on non-Kenyan nationals do you pass it on anywhere?*

To the alien section at Nyayo House. We fall under the ministry of immigration and registration of persons.

*Is birth registration a priority of the government?*

Yes it is a priority for government because of national security. When people have National ID cards it so easy to identify them – to know where they come from... before the policy data was not captured for the rural people who are born in Kenya. We need to know the number of people living in Kenya.

*Is there a big refugee issue in Kenya?*

Yes – Kenya is a peaceful country and people come from Ethiopia, Sudan and Somalia for security: the influx has caused a lot of insecurity. They do allow them to come in and support them and those who do are issued with an ID to facilitate their movement.

*What are your roles and responsibilities?*

We register Kenyans from the age of 18 and above. We issue identity cards. We interview to make sure someone is a Kenyan in order to register them...<sup>315</sup>

It is unsurprising and understandable that governments are interested in monitoring information about the population. As suggested by respondents in Kenya, India and Vietnam, the government's access to population data is relevant to national security, public security and law enforcement. For instance in India, participants also felt that there is an urgent need for more accurate demographic information about the population given the current extent of corruption, identity theft, forgery and the number of people possessing false documents. The issue of identity theft was constantly raised as a barrier to individuals being able to claim the social benefits such as, for instance, cash transfers, food subsidies and education support that they are officially entitled to under government policies.

Furthermore, where governments are able to monitor characteristics of the population that they wish to control, such as the size or geographical distribution of the population, birth registration data facilitates the development of appropriate interventions – 'it is a way of contesting population movements.'<sup>316</sup> Not only does birth registration data inform government interventions, birth registration may also enable government to enforce them. For example, government officials in Vietnam spoke of the utility of birth certificates as a tool for restricting entitlement, access and use of government services according to geographical location in order to restrict internal migration.

In its recently published guidelines on birth registration programming, UNICEF has stated that "when complete and accurate, civil registration facilitates democratic governance."<sup>317</sup> However, whilst civil registration data may be used to facilitate government activity that is 'rights friendly', it can equally be used to facilitate government activity which is not. Thus, while it seems clear that birth registration benefits governments, the implications for child rights and social and economic growth are more ambiguous and dependent on the approach taken by governments with regards to these issues.

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<sup>315</sup> Interview, representative from Civil Registration Department, Nairobi Kenya, 4<sup>th</sup> September 2013.

<sup>316</sup> Interview, representative from Department of Justice, District level, Hanoi Province, 14<sup>th</sup> August 2013.

<sup>317</sup> UNICEF (2013) *A Passport to Protection: A guide to birth registration programming*, UNICEF, New York.

Indeed, it is significant that participants in the research did not always identify their government's interest in birth registration in positive terms. This is illustrated the following quote from a group of young migrant children in Vietnam who reported that they were unwilling to report to the commune for (late) birth registration

'So in most of the cases you will be fined for late registration. In my village the local authority are so corrupt. They may even destroy your house. It all depends on the personality of the local authority...' <sup>318</sup>  
(Vietnam)

Where the relationship between government and citizens, including children, is characterised by fear and exploitation, rather than protection and accountability, the population is unlikely to see government's interest in civil registration as a means of protecting rights.

This is significant, given that in Vietnam, government officials (particularly those from the Ministry of Justice) stated that the government has an interest in and commitment to protecting the rights of all children, and that the legal requirement to carry out birth registration provides children with the fundamental right of recognition from the government at birth. Such views were also articulated by representatives from government in Kenya and Sierra Leone, who explained that the government is interested in promoting birth registration because they are fulfilling their legal obligations, or because it is the right of the child.

A child's right to a birth certificate was not only cited by government officials as the reason that government is interested in and committed to increasing birth registration; many government interviewees spoke of the value of raising awareness about the right to a birth certificate (or other individual benefits) in order to create demand for birth registration as a means of increasing registration rates for government planning and other purposes. As explained by a representative of the Ministry of Health in Sierra Leone, 'people need to know why they should do it. When we go down to those who are less educated we need to explain the individual benefit – that it is about the rights of every child. We are interested in the aggregate benefit, but they will not understand the aggregate benefit.' <sup>319</sup>

The risk with this approach is not only that it may create confusion about the actual value of a birth certificate for individuals, or raise expectations unnecessarily (an issue addressed throughout the report). It may also create confusion about government policy and priorities, an issue relevant for addressing the question of the benefits of birth registration at the macro level. As demonstrated in this section, governments are interested in promoting birth registration because population data facilitates a number of government functions, some that promote children's rights and some that do not. Messages about the (standalone) rights-based value of birth registration for the individual (as a 'good' in itself) may also function to create confusion about government agendas which may not be rights-friendly. For example, in Kenya, when respondents emphasised the government's interest in identifying refugees through birth registration, they often assumed this was for rights based purposes, such as providing for health needs, when in fact refugees often are often excluded from national policies and programmes relating to health and education provision in Kenya. <sup>320</sup> The overall point here is that whilst recognition of the right to birth

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<sup>318</sup> Focus group discussion, migrant children, Vietnam, 16<sup>th</sup> August 2013.

<sup>319</sup> Individual Interview, Doctor and Ministry of Health Representative, Freetown, Sierra Leone, 19<sup>th</sup> September 2013.

<sup>320</sup> *Global Health Initiative Kenya Strategy 2011-2014* [online] Available from: <http://www.ghi.gov/whereWeWork/docs/KenyaStrategy.pdf> [Accessed May 2014]; Pavanello, S, Elhawary, S, Pantuliano, S.

registration is to be welcomed (as is explored in Chapter 6: Access to services), it is important that this right doesn't serve to create confusion around government agendas which are not necessarily rights friendly.

## 7.3 Conclusions on birth registration and government planning

In conclusion, the research demonstrates that whilst a functional civil registration system including birth registration data can provide great assistance to governments in planning services for the child population, civil registration data only becomes useful for planning where it is accurate and reliable. Evidence from the research suggests that in most developing countries registration has not yet reached a sufficient level of accuracy and reliability to be used for this purpose.

Furthermore, although birth registration has the potential to promote children's rights, it can also be used for government purposes that are not rights friendly. Respondents from both government and the broader population, particularly in Vietnam, spoke of how civil registration (including birth registration) is used by the government to manage and control the population, sometimes in restrictive ways (such as the restriction of refugee and migrant rights).

While it can be said that a strong birth registration system benefits *governments* by strengthening governance, depending on the context, it does not necessarily benefit *children* if the government in question has not adopted or does not adhere to a child rights approach. Birth registration is a fundamental right of all children, but in order to play its part in accountable and rights based governance, it needs to be seen as only one component of a broader government system. Our data suggests that a birth registration system cannot be isolated as a driver of right-based governance.

## 7.4 Recommendations on birth registration and government planning

### 7.4.1 Birth registration: a planning and policy issue

Birth registration is a fundamental children's right and should be part of an effective civil registration system. The research suggests that civil registration systems and vital statistics have the potential to be a public good for individuals, governments and the wider global community:

- **Humanitarian, development and human rights actors should consider advocating for investment in effective, comprehensive and rights-based CRVS systems.**

**In particular advocacy efforts strengthen CRVS systems should concentrate on:**

**Leadership and political mobilisation** – to ensure clear, aligned and integrated responsibilities and accountability between key stakeholders (relevant government departments in particular). Action should be

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(2010) *Hidden and Exposed: Urban Refugees in Nairobi* [online] Overseas Development Institute. Available from: <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5858.pdf> [Accessed May 2014].

taken to remove blockages to the effective administration of a CRVS system around which donors and development partners can align their support.

**A multi sectoral/stakeholder approach** – the collection and use of CRVS information cuts across many sectors. National governments and regional bodies should ensure that planning and coordination between all CRVS stakeholders is carried out in a proactive, inclusive and productive manner.

**Legal reforms** – where CRVS requires the review or adoption of laws (e.g. legal provisions for digitalisation), these legal reform processes must respect, protect and fulfil human and children’s rights.

**Resources** – to be leveraged at national, regional and global levels and based on a solid understanding of the financial implications and potential long-term benefits derived from an efficient, accurate, reliable and credible CRVS system.

**Strategic communication** – at national, regional and global levels, investment should be made in strategic communication campaigns to increase knowledge and awareness of CRVS systems (and the potential benefits they could provide).

#### 7.4.2 Data protection

The research found that birth registration data can be used in a manner that is contradictory to a human-rights-based approach. Therefore, it is recommended that where Governments embark on CRVS initiatives, advocacy efforts should, among others:

- **Ensure that governments are sensitive to privacy rights and that they protect individuals’ confidentiality and personal information.**
- **Governments must take all appropriate measures to ensure the safeguarding of personal data and the confidentiality of personal data collected through birth registration**

#### 7.4.3 Further research

Evidence on the technical assistance needed for countries embarking on CRVS systems strengthening could be improved by a study on how such systems are used for policy planning, resource allocation and otherwise promoting provision of services in a country with an effective CRVS system.

- **Governments, with the support of donors and civil society should consider conducting further research investigating the features and functioning of CRVS systems that effectively and efficiently support planning, resource allocation and promotion of services.**

## Chapter 8: Summary conclusions

This multi-country study seeks to determine *which* child rights are directly and indirectly facilitated by birth registration in terms of protection and the provision of services (research question one); and *how* birth registration helps facilitate the benefits and safeguards connected to those rights (research question two). Broadly, child rights that have been associated with birth registration fall into three categories: legal identity, child protection, and access to services. In analysing the relationship between birth registration and each category of rights, the research considered factors that impede the ability of children and youth to access benefits, opportunities and safeguards associated with birth registration (research question four). Finally, the study also considered whether governments use statistical data from birth registration for development planning and governance purposes, and whether this contributes to the realisation of child rights, monitoring of development indicators, and ultimately, a country's social and economic growth (research question 5).

Data from the study reveals the complexity of the relationship between birth registration systems and the promotion of children's rights and governance. It also suggests that the benefits that have been linked to birth registration or a birth certificate are often determined by external factors. The relationship between birth registration and benefits must always be considered critically and within their particular context.

A birth certificate most directly benefits a child by providing him or her with a form of **legal identity**. A birth certificate can also make other legal identity documents easier for an individual to obtain. The possession of legal identity documents becomes increasingly important as countries' governance structures and economies expand, and their populations become more mobile. In this context, legal identity documents may be necessary for claiming basic citizenship rights and entitlements, and accessing an increasing range of opportunities. Legal identity is also used to differentiate between citizens and non-citizens, however. In this context, it is critical that governments' recognition of rights holders is as inclusive as possible in order to ensure that development occurs in a rights friendly way and to promote the establishment of trust and accountability between individuals and government.

Another key focus of the research was to explore how a birth certificate may facilitate children's rights **indirectly** in relation to the provision of **basic services** and **child protection**. While analysis suggests that birth registration may have the potential to help protect children against abuse within the context of systems of law enforcement, instances where this is occurring at present are rare. This is partly because laws protecting children are not implemented and regulatory systems are not functioning in practice. The data also demonstrated that forms of abuse experienced by children are complex, and are often driven primarily by issues stemming from social contexts and economic deprivation. Until these systemic issues are addressed, together with ensuring a functioning and properly implemented regulatory environment, the effect of a birth certificate within a functioning legal system will be limited. However, while it is acknowledged that there is a way to go in strengthening the enforcement of laws; this should not deter the continued emphasis on birth registration as one aspect in the realisation of children's rights/facilitating other child rights. Indeed, one might speculate that if issues stemming from social contexts and economic deprivation could be addressed, and law enforcement improved, proof of age and thus the value of a birth certificate may become increasingly important.



The relationship between a birth certificate and an individual's **access to services** is one of the most context specific and indirect relationships examined in the study because it is purely a function of government policy and practice. In case study countries, the establishment of links between a birth certificate and access to services such as health and education has been used both to encourage registration and to manage the provision of services. Policies that require a birth certificate for access services on one hand do ensure access and increase registration, but on the other run the risk institutionalising exclusion, both directly (through the implementation of policies which make access conditional on a birth certificate or other forms of legal identity), and indirectly (through contributing to public perceptions about the accessibility of services to people in different situations).

Quantitative analysis revealed strong and significant positive associations between education indicators<sup>321</sup> and birth registration for Plan's sponsored children. In consideration of what could be learnt from these associations and what they might reveal about the relationship between birth registration and access to education, the qualitative research indicated that in the three countries considered (Sierra Leone, Kenya and India), possession of a birth certificate did *not* have a direct relationship with school enrolment. This presents a challenge when drawing conclusions from the quantitative findings and suggests that there could be intervening variables to explain the strong and significant positive associations between birth registration and education. Indeed, the quantitative findings do not provide evidence that being birth registered *causes* children to have improved access to education. There are a number intermediary factors that are likely to affect *both* a child's access to birth registration *and* their ability to access education which were not included as variables within the quantitative analysis (for example level of parental support) which may explain these associations.

Quantitative analysis of data from the Demographic and Health Survey (DHS) revealed significant positive correlations between birth registration and a series of health indicators.<sup>322</sup> However, as the data does not provide information on *when* birth registration takes place, there is no means of establishing whether birth registration comes before and thus potentially causes an improvement in health indicators by some means. Indeed, the qualitative findings suggest that these associations are a result of the fact that children who are born in a hospital are both more likely to be birth registered, and more likely to have access to health services, compared to children who are born at home. Furthermore, children who are accessing health services are more likely to be birth registered, because health professionals often play a role in registering children's births, especially during or after the administration of vaccinations.

Overall the evidence appears to indicate that the potential for birth registration to effect access to services is greatest at a systems level; birth registration data can improve delivery and planning of government services, where it is accurate and universal. Thus birth registration's ability to facilitate access should be considered within the scope of government's provision of services, rather than as an element that enables an individual to claim his or her right to access services.

Birth registration as part of a larger civil registration and vital statistics system can be used to facilitate provision of services by **government**. While an effective, operational and complete birth registration system strengthens the capacity of government and can improve the effectiveness of **governance activities**, data from the research

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<sup>321</sup>This included: the likelihood of being in formal education, age appropriate education, and remaining in school.

<sup>322</sup>This included: vaccination uptake, nutrition and health management.

suggests that in some developing countries such a system has yet to be achieved. It also demonstrates that initiatives developed to increase registration rates and issue legal identity documents may be driven by non-rights based government priorities, such as population control.

Finally, whilst recognising that birth registration constitutes a right in the CRC, our analysis suggests that it is also interconnected and interrelated with the realisation of other rights. These relationships are contextual and complex: care must be taken that ensure that when rights are interconnected (such as access to education and possession of a birth certificate), this connection should not detract from the overall realisation of all children's rights (e.g. no access to education without a birth certificate). Furthermore to enhance the efficacy of birth registration in the realisation of other child rights, the establishment of systems of information management provides government and development actors with tools to design and implement policy, establish programmes and develop legal structures more systematically and effectively.

## Appendix A – Country Typologies

As discussed in section 2.6 of the report, due to time and resource constraints, it was only possible to conduct this research in four countries in which Plan operates. The four case study countries (India, Kenya, Sierra Leone, Vietnam) were selected to represent diversity so that the findings can apply more broadly to other similar ‘types’ of countries. This has been expanded in the production of four ‘typology’ analyses below. These provide details on the key political, social and demographic features of the case study countries and summarise the findings pertaining to each country context. It is hoped that this will help countries that were not the focus of the study engage with the findings and particularly the recommendations if they operate in a similar context to those included within the research.

# TYPOLOGY A: Vietnam

## Country context

### Key Country Features

- South-East Asia context.
- Middle income country.<sup>323</sup>
- Socialist Republic, led by Communist Party.
- High birth registration rates, with a tightly managed civil registration system.
- One of the world's most populous countries.<sup>324</sup>
- Significant ethnic diversity.<sup>325</sup>
- Birth registration formally required for access to a range of services and benefits.

### Economic Profile

- Free 'socialist market' economy since 2000.<sup>326</sup>
- High recent levels of economic growth, following 25-year period of rapid economic development.<sup>327</sup>
- Relatively low levels of poverty (an estimated 16.9% of the population live below the national poverty line on less than US\$ 1.25 a day).<sup>328</sup>
- Significant disparities in rates of poverty according to ethnicity, with ethnic minority groups making up more than half the total poor in Vietnam.<sup>329</sup>

### Governance and Judicial Systems

- Single party Socialist Republic, led by the Communist Party of Vietnam.

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<sup>323</sup> Ranked 127 out of 187 in the latest Human Development Index; An estimated 16.9% of the population live below the national poverty line on less than US\$ 1.25 a day. UNDP (2012) *Human Development Index and its components* [online] Available from: <https://data.undp.org/dataset/Table-1-Human-Development-Index-and-its-components/wxub-qc5k> [Accessed May 2014].

<sup>324</sup> Vietnam has a population of 92,477,857 (estimated, 1 July 2013), making it the thirteenth most populous country in the world. Index Mundi (2013) [online] Available from: [http://www.indexmundi.com/vietnam/demographics\\_profile.html](http://www.indexmundi.com/vietnam/demographics_profile.html) [Accessed May 2014].

<sup>325</sup> 54 ethnic minority groups are residing in Vietnam: United Nations Development Programme (n.d.) *About Vietnam* [online] Available from: <http://www.vn.undp.org/content/vietnam/en/home/countryinfo/> [Accessed May 2014].

<sup>326</sup> UNDP (n.d.) *About Vietnam* [online] Available from: <http://www.vn.undp.org/content/vietnam/en/home/countryinfo/> [Accessed May 2014].

<sup>327</sup> Per capita income rose from below US\$100 in 1986 to an estimated at US\$1,596 in 2012, and has coincided with a dramatic reduction in poverty from 58 to 14 per cent between 1993 and 2008 and an estimated 11.8 per cent in 2011: UNDP (n.d.) *About Vietnam* [online] Available from: <http://www.vn.undp.org/content/vietnam/en/home/countryinfo/> [Accessed May 2014].

<sup>328</sup> Child Info (n.d.) *Statistics by area: child protection* [online] Available from: [http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014].

<sup>329</sup> UNDP (n.d.) *About Vietnam* [online] Available from: <http://www.vn.undp.org/content/vietnam/en/home/countryinfo/> [Accessed May 2014].

- High levels of ‘State Management’ of the population and of formal interaction between the population and its government.
- Highly functioning legal system.

### **Birth Registration**

- High levels of birth registration: around 95%,<sup>330</sup> with some disparity of registration rates according to socio-economic factors (birth registration rate for the poorest 20% of the population is 87%, and for the wealthiest 20% is 98%).<sup>331</sup>
- Highly intricate civil registration system, tightly managed.

### **Services**

- Sophisticated systems of government service delivery.
- Identity documents are essential to accessing services.

## **Impact of birth registration on children’s rights in Vietnam (based on participant responses)**

### **Legal identity:**

#### **Relationship between birth registration and legal identity in Vietnam: Strong**

Legal identity is highly relevant for the majority of citizens in Vietnam, and the law establishes that ‘the birth certificate is the first original civil status paper of each individual.’ Birth certificates are required for accessing other identity documents such as passports, national ID cards, and driving licenses; and for acquiring a job in the formal sector. Legal identity is also important for completing administrative functions such as acquiring a loan; inheriting property; or opening a bank account etc. However, as individuals acquire other identity documents the role of the birth certificate becomes less important. Many participants explained that the birth certificate is the ‘root’ of all legal identity.

There are, however, pockets of undocumented people living in the mountainous, remote areas along the border with China, Cambodia and Lao PDR, for whom legal identity has less relevance and importance. This minority of people, however, are often of disputed nationality and may be at risk of statelessness.

<sup>330</sup> Child Info (n.d.) *Statistics by area: child protection* [online] Available from: [http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014]

<sup>331</sup> UNICEF (2013) *At a glance – Vietnam Statistics* [online] [http://www.unicef.org/infobycountry/vietnam\\_statistics.html](http://www.unicef.org/infobycountry/vietnam_statistics.html) [Accessed January 2014]

## **Key factors to consider regarding legal identity and birth registration in the Vietnamese context:**

- Legal identity can be vitally important in Vietnam, especially for vulnerable groups who require access to social services. In particular (both internal and external) migrants require assistance accessing legal identity documents including birth registration and (temporary) household registration.
- Forms of managing legal identity are not always rights friendly in this context (for example the exclusion of early-married parents, or (informal) migrants from the system). Promoting the idea that a birth certificate is 'the key' to citizenship rights may reinforce perceptions that exclude certain categories of the population from access to services and other opportunities. It is also important that legal identity is not perceived as an automatic 'key' to realise human rights, as government's might equally use legal identity to violate the rights (of sections of) the population, especially in contexts lacking democratic accountability.

### **Access to services**

#### **Relationship between birth registration and access to services in Vietnam: Strong**

Possessing legal identity is essential for accessing services (e.g. education, healthcare, social security). Although a birth certificate is not always required at the point of access, it is required to obtain other forms of identification (which are used at the point of access) such as health insurance cards. A birth certificate is essential for accessing school.

Household registration is also critically important. Due to the residence-based nature of the social protection system in Vietnam, a child's access to services is dependent on their relationship to the commune administration where their household is registered.

#### ***Key factors to consider regarding access to services and birth registration in the Vietnamese context:***

- Birth certificates are vitally important for children to access education, health and other services. Some children need to be supported to access these documents.
- Operating within a system that makes access to services dependent on birth registration can exclude vulnerable children.

### **Child protection (child marriage and child labour)**

#### **Relationship between birth registration and child protection in Vietnam: Weak**

Legal identity documents are absolutely required for formally registering a marriage, and this is enforced by local authorities. Birth certificates are not necessarily required at the point of marriage, but a national identity card (which can only be obtained through a birth certificate) is.

Some young people do still get married informally before the minimum age of legal marriage, although this is reportedly reducing in recent years (which may be due to a range of factors, including substantial structural social

and economic changes, together with the socialist policy which banned the former practice of dowry). According to research participants, the most common reason for early marriage was pregnancy. No respondents felt that possession (or not) of a birth certificate is related to early marriage. Although some participants explained that early (and therefore not legal) marriage can exclude parents from birth registering their child, thus cutting them off from access to healthcare, education and other services).

Most child labour is occurring in the informal sector. Some participants explained that because children's labour is not regulated they have no protection under the law from exploitative or unfair practices. Some migrant children also report that they were unable to access formal work, even if they were of legal age, because of discrimination (against them as 'outsiders'), evidenced both by their identity documents (such as birth registration) and their accents.

## **Government planning**

### **Relationship between birth registration and government planning in Vietnam: Unclear**

Whilst the government is collecting regular data on the population and using this for planning, it is unclear what role birth registration data (specifically) plays in this process.

All government departments collect regular data through registration systems and frequent household surveys. Each department uses their own data and information for developing, planning and implementing policies and programmes, rather than using (specifically) birth registration data collected by the Ministry of Justice. As such, all government representatives reported that the birth registration system is not relevant for their work around planning, with the exception of the Ministry of Justice who are responsible for managing the birth registration system.

The most common reported uses of birth registration data in Vietnam included: promoting the rights of the child; managing rapid population growth; to balance the gender ratio of the population (and prevent sex-selective abortion); and to manage migration flows and even population distribution across the country.

### ***Key factors to consider regarding child protection and birth registration in the Vietnamese context:***

- High levels of birth registration can assist with government planning of social services, and their delivery.
- Data can also be used in ways that does not aim to protect or fulfil the rights of children (population control, managing population flows etc).

## TYPOLOGY B (Kenya)

### Country Context

#### Key Country Features

- Sub-Saharan African context (East Africa Region).
- Low-middle income country.<sup>332</sup>
- High influx of refugees and external migrants.<sup>333</sup>

#### Economic Profile

- High rates of poverty (despite a growing economy); according to most recent estimates, 46% of the population lives on less than US\$ 1.25 a day.<sup>334</sup>
- High rates of youth employment (40% are un-or-under-employed and 70% of the unemployed labour force is between the ages of 15 and 35).<sup>335</sup>

#### Governance and Judicial Systems:

- An established and functioning judicial system, but laws and regulations often go unenforced and are sometimes misapplied in parts of the country. Kenya's ranking in the 2013 Ibrahim Index of African Governance (IIAG) is higher than the continental and regional average. It ranks lower than regional counterparts with less developed economies, however, and 'safety and rule of law' is its weakest governance category.<sup>336</sup>

#### Birth Registration:

- According to the latest DHS data from Kenya, the birth registration rate for children under 5 is 60%.<sup>337</sup>

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<sup>332</sup> Kenya is considered a low-income economy by the World Bank. It is ranked 145 out of 187 on the human development index: UNDP (2012) *Human Development Index and its components* [online] Available from:

<https://data.undp.org/dataset/Table-1-Human-Development-Index-and-its-components/wxub-qc5k> [Accessed May 2014].

According to most recent data, around 46% of the population lives under the poverty line. The World Bank (n.d.) *Data: Kenya* [online] Available from: <http://data.worldbank.org/country/kenya> [Accessed May 2014].

<sup>333</sup> In Dec 2013, Kenya had 625, 250 refugees, asylum seekers and displaced or stateless persons primarily from South Sudan, Somalia, Ethiopia and the DRC; UNHCR (2014) *Country operations profile – Kenya* [online] Available from:

<http://www.unhcr.org/pages/49e483a16.html> [Accessed May 2014]. In 2011, Kenya had the 5th highest refugee population of all countries in the world; UNHCR (2012) *Global trends report* [online] Available from: <http://www.unhcr.org/4fd9e6266.html> [Accessed May 2014].

<sup>334</sup> Child Info (n.d.) *Statistics by area: child protection* [online] Available from:

[http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014]

<sup>335</sup> World Policy Institute (2013) *Reducing youth unemployment in Kenya* [online] Available from:

<http://www.worldpolicy.org/blog/2013/10/15/reducing-youth-unemployment-kenya> [Accessed May 2014]

<sup>336</sup> Mo Ibrahim Foundation (2013) *2013 Ibrahim Index of African Governance (IIAG)* [online] Available from:

<http://www.moibrahimfoundation.org/interact/> [Accessed January 2014].

<sup>337</sup> DHS Programme *Kenya: Standard DHS 2008/2009* [online] Available from: <http://www.measuredhs.com/what-we-do/survey/survey-display-347.cfm> [Accessed January 2015].



## Services:

- Limited (albeit increasing)<sup>338</sup> provision of social services. Significant barriers to access continue to limit provision of services to marginalised populations, particularly those living in rural areas and urban slums, and women and youth

## Influence of development actors:

- High levels of development assistance (although reducing). In 2011, OECD reported that since 2005, 23% of central government expenditures came from overseas development assistance.<sup>339</sup>

## Impact of birth registration on children's rights in Kenya (based on research findings)

### Legal identity

#### Relationship between birth registration and legal identity in Kenya: Strong/evolving

Whilst many Kenyans have not experienced the need for a birth certificate, it is becoming increasingly important. Possession of a birth certificate facilitates an individual's access to documents like passports that are relevant to an increasing percentage of the population.

While legal identity was previously only relevant to the most affluent/urban populations, its importance for the broader population has increased over recent years. About half of the children participating in the research had birth certificates, with participants in urban areas more likely to have birth certificates than in rural locations. Respondents reported that a birth certificate is essential for accessing a passport for international travel and all Kenyans over the age of 18 are legally required to possess a national ID card. Birth certificates are not required, but ease the process of obtaining other forms of identity documents such as the national ID card, a driver's license, or voter registration. They may also be required when applying for certain jobs, particularly positions in government.

#### *Key factors to consider regarding legal identity and birth registration in the Kenyan context:*

- Birth certificates provide a meaningful form of legal identity, which is becoming increasingly important in Kenya.
- When programming from a rights-based approach, it is critical that identity isn't used to exclude non citizens, or other marginalised groups from access to services and protection. This is an important threat to be aware of in contexts like Kenya with a significant refugee and migrant population.

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<sup>338</sup> According to a recent survey on the state of public services, nine out of ten respondents who sought healthcare were able to access some form of medical assistance (though often at a cost), and two thirds of respondents had household members attending school.

<sup>339</sup> OECD (2011) *Kenya in Aid Effectiveness 2011: Progress in Implementing the Paris Declaration, Volume II* [online] Available from: <http://www.oecd.org/dac/effectiveness/Kenya%204.pdf> [Accessed January 2014].

## Access to services

### Relationship between birth registration and access to services in Kenya: Weak/evolving

A birth certificate rarely facilitates access to services in Kenya, however with the institution of policies such as the directive requiring a birth certificate for examination entry in school, and the expansion of programmes like national health insurance, it is becoming increasingly relevant.

Participants rarely reported using birth certificates to access health care or schooling (particularly in rural areas). However, all respondents were aware of a new directive that makes producing a birth certificate a requirement to take national examinations (and thus obtain qualification certificates). In practice, the policy is being implemented differently throughout the country; it seems that while a significant amount of pressure is being put on unregistered students to obtain birth certificates before the exam, in practice students without birth certificates are rarely excluded from examinations. Some participants reported cases of students who had to wait until the following year to take their exam because of lack of a birth certificate. In Nairobi, several participants also mentioned that a birth certificate is necessary for parents on the national health insurance scheme to prove parentage and claim benefits for their children.

Birth registration does not play a significant role in facilitating access to services in Kenya, where making services more accessible is a government priority, and other barriers (poverty, lack of adequate services, geographical distance, marginalisation) are greater determinants of access. While children who are accessing services are more likely to be birth registered in Kenya, possession of a birth certificate does not seem to make it more likely that a child will access services. The exception here is with regards to entry to national examinations, whereby a directive introduced in 2009 makes producing a birth certificate a requirement to take national examinations (and thus obtain qualification certificates).

### *Key factors to consider regarding access to services and birth registration in the Kenyan context:*

- Service delivery can be used as a ‘vehicle’ for registering children.
- Attempts to incentivise birth registration through making a birth certificate mandatory for access to services (such as entry to school exams) creates additional barriers to access to services for unregistered children, who are often already vulnerable.

## Child Protection (child marriage and child labour)

### Relationship between birth registration and child protection in Kenya: Weak

The overwhelming majority of marriages in Kenya are not formally registered. Interestingly, while national law sets the age of marriage at 18 (or 16 with parents’ consent), according to respondents many children are married at an earlier age. None of the research participants reported showing a birth certificate in order to get married. Researchers heard several reports of minimum age of marriage laws, as well as sexual abuse laws, being used to prosecute young people’s relationships (where the respective families’ objected to the relationship), and no reports of law being used to prevent forced marriage.

According to respondents ‘child labour’ is a common occurrence. This employment is not regulated (regulatory mechanisms are not established by law), and is largely informal. It can range from full time labour to household chores, and is often due to pressure to support a struggling family. Children are employed as maids, looking after other children, selling small items on the street (‘hawking’), collecting trash, herding animals or farming. Kenya’s Employment Act prohibits the employment of children below the age of 13, at which point employment is legal (though 13-16 year-olds are restricted to engaging in light work).

***Key factors to consider regarding child protection and birth registration in the Kenyan context:***

- As protection systems are underdeveloped, making claims about the value of birth certificates for protection outcomes in this context is misleading and distracts from more important concerns. In some cases law may have unintended consequences that are harmful to children (e.g. prosecution of children for engaging in factually consensual relationships with their peers).

**Government planning**

**Relationship between birth registration and government planning in Kenya: Weak/aspirational**

While birth registration is not impacting on government planning or service provision at present, it has the potential to improve the government’s ability to effectively plan in the future. The Kenyan government is working to strengthen civil registration and vital statistics systems in order to strengthen this relationship.

The research included interviews with the Ministry of Education, the Civil Registration Department (part of the Ministry of the Interior), the Ministry of Justice, National Cohesion and Constitutional Affairs, and the Ministry of Public Health and Sanitation. According to all officials included in the research, a robust civil registration system (including birth registration data) could provide them with data that would be very helpful for policy planning and the distribution and provision of services. These seem to be particular priorities of the Ministry of Education and Ministry of Health. However none of the officials interviewed reported that birth registration data is used for these purposes at present, as it is incomplete and unreliable.

Some government representatives indicated that birth registration data is necessary for reporting to international organisations, donors and central government. Others reported that it is essential for population control, particularly monitoring refugees and other migrants.

***Key factors to consider regarding government planning and birth registration in the Kenyan context:***

- Improving birth registration data could help with government planning and improved provision of services in Kenya.
- Until rates of birth registration are almost universal, planning based on this data is likely to exclude the most vulnerable groups.

# TYPOLOGY C: India

## Country Context

### Key Country Features:

- South Asian region.
- Lower middle income country.<sup>340</sup>
- High diversity and inequalities across population.
- World's largest democracy.
- No official laws or policies that mandate birth registration for access to services.

### Economic Profile:

- Fast, growing and increasingly powerful economy.
- High growth and an increasingly thriving middle-class, along with widespread poverty and inequality,<sup>341</sup> especially in rural areas.<sup>342</sup>
- High rates of poverty with 32.7% of the population living below the national poverty line on less than US\$ 1.25 a day.
- The caste system, whilst now illegal, still bears significant influence.

### Governance and Judicial Systems:

- Federal system of government, with devolved responsibilities to state structures. Significant diversity exists between states.
- Local governments have increased powers, including financial and administrative autonomy. Where administration is weak, the burden falls heavily on the poor, who suffer from skewed government spending, limited access to services.<sup>343</sup>
- Vast inefficiency within the Court system, although rule of law 'generally prevails.'<sup>344</sup>

### Birth Registration:

- According to data collected in 2005-2006, India's birth registration rate was around 41 percent.<sup>345</sup> The registration system in many parts of India is still at a relatively initial stage of development and the

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<sup>340</sup> The World Bank (n.d.) *Country Profile: India* [online] Available from <http://data.worldbank.org/country/india> [Accessed January 2014].

<sup>341</sup> UNDP (n.d.) *About India* [online] Available from: <http://www.in.undp.org/content/india/en/home/countryinfo.html> [Accessed January 2014].

<sup>342</sup> India is ranked 136<sup>th</sup> poorest out of 187 in the latest Human Development Index: UNDP (n.d.) *Human Development Reports: India* [Online] Available from: <https://data.undp.org/dataset/Table-1-Human-Development-Index-and-its-components/wxub-qc5k>, [Accessed January 2014].

<sup>343</sup> The World Bank (n.d.) *Governance in India* [online] Available from: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/EXTSAREGTOPPRISECDEV/0,,contentMDK:20584873~menuPK:496677~pagePK:34004173~piPK:34003707~theSitePK:496671,00.html>, [Accessed January 2014].

<sup>344</sup> Ibid.

<sup>345</sup> DHS Programme *India: Standard DHS 2005-2006* [online] Available from: <http://dhsprogram.com/what-we-do/survey/survey-display-264.cfm> [Accessed January 2014]. Whilst 2005-2006 was the most recent data on birth registration

decentralisation to State Government of responsibility for developing registration systems has resulted in a wide disparity of different rates of registration across the country.

#### Services:

- There are promising social services available for some sections of the population, but access varies widely, with large sections of the country unable to access services.
- There are large inequities in health and access to health services existing between and across states.

#### Influence of development actors:

- There is low influence of development actors in India, and the amount of aid they receive has reduced from about 0.8% to 0.2% of GNI in the past 20 years.<sup>346</sup>

### **Impact of birth registration on children's rights in India** **(based on research findings)**

#### Legal Identity:

##### **Relationship between legal identity and birth registration in India: Mixed**

In parts of India the relationship between birth registration and legal identity is **strong**. In other parts of India, however, it is **weak**, birth certificates are not required for accessing legal identity, and do not have much practical value.

The relationship between birth registration and legal identity varies widely across the country. In research sites in Uttar Pradesh research participants did not possess birth certificates and they did not find them important. In these parts, participants did usually possess some form of legal identity, however, including voter ID cards and ration cards (a document that entitles families to food subsidies and is widely used as a proof of identity and address). Birth certificates are not required for obtaining these documents.

In other research sites, however, such as Mumbai, birth registration was thought to be very important: 'it demonstrates you are a citizen of India' was the main reported reason. Participants from these parts of India, however, put forward a view that possessing birth certificates is not relevant for all people born in India: "Nomadic tribes, people in the slums, the rural people, indigenous people, the villagers... They have their own systems... For the people who are away from the municipalities it [birth registration] is just meaningless.'

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available for analysis from DHS/MICS at the time of this research, it is worth noting that an estimate from the Office of the Registrar General of India indicated that it was 62.5% in 2005 and 82% in 2012 (Office of the Registrar General (2010) *Vital Statistics of India* [online] Available from: [http://www.censusindia.gov.in/2011-Documents/CRS\\_Report/CRS\\_Report\\_2010.pdf](http://www.censusindia.gov.in/2011-Documents/CRS_Report/CRS_Report_2010.pdf) [Accessed May 2014].

<sup>346</sup> Glennie, J, Prizzon, A. (2012) *Background Note: From high to low aid: a proposal to classify countries by aid receipt* [online] ODI Available from: <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7621.pdf> [Accessed January 2014].

### ***Key factors to consider regarding legal identity and birth registration in the Indian context:***

- As the state develops, legal identity may become increasingly important in people's lives, especially in relation to increased employment in the formal sector.

### **Access to Services:**

#### **Relationship between access to services and birth registration in India: Weak.**

Birth certificates were rarely required to access services, e.g. health, education, social security benefits, and where proof of identity was required, other forms of identification such as ration cards were more widely used and often given more credence. Whilst the law clearly stipulates that the absence of a birth certificate should not inhibit a child's access to education, again, the widely differing contexts existing between states in India means that this is not always the case in practice. The research found differing levels of requirement, and evidence of refused entry or bribery taking place where children could not present a birth certificate. Birth certificates were not required to access health services or for administering vaccinations, and there was no link found between birth registration, vaccinations or other health services beyond the increased likelihood of families who already have access to formal systems and services to also register their child at birth.

### ***Key factors to consider regarding access to services and birth registration in the Indian context:***

- Service delivery can be used as a 'vehicle' for registering children.
- Attempts to incentivise registration through introducing policies that require children to present birth certificates when accessing services (such as school) creates further barriers to access of these services for the most vulnerable populations.

### **Child Protection (child marriage and child labour)**

#### **Relationship between child protection and birth registration in India: Weak**

Birth registration was not seen as any impediment to early marriage, and respondents felt that economic, social and cultural factors are much more important for explaining high rates of early marriage. Researchers heard many more reports of minimum age of marriage laws, as well as sexual abuse laws, being used to prosecute young people's relationships (where the respective families' objected to the relationship), compared to reports of law being used to prevent forced marriage.

Employment of children is commonplace, and participants felt this related to levels of poverty rather than the absence of identity documentation. Participants thought that registration was insufficient to ensure enforcement of the law and they saw the imposition of legal rules about employment to be a measure unlikely to benefit children. This point is particularly well captured in the words of one former child labourer who said: 'if anyone sees the law he will not eat.'

### ***Key factors to consider regarding child protection and birth registration in the Indian context:***

- Birth registration can be used to enforce legal rules which afford children protection, such as minimum age of marriage laws.

- In many cases the law is not providing a useful means of addressing child protection problems. In some cases it is having unintended consequences that are harmful to children (e.g. prosecution of boys for engaging in factually consensual relationships with their peers).

## **Government Planning**

### **Relationship: Weak/evolving.**

The relationship between birth registration and government planning in India is currently weak. However, government personnel were keen to improve population data for more efficient planning and see birth registration as a possible vehicle for doing so.

As the birth registration system varies extensively in its level of development across India, its utility for providing accurate data for government planning is limited. Currently, more emphasis is given to census data. Nevertheless, participants viewed birth registration as being potentially beneficial for improving the efficacy of government planning for distribution of benefits and services. Government Ministers discussed problems relating to gender-imbalance in the Indian population and the current extent of corruption, forgery and the number of people possessing false documents. It was felt that increasing the collection of more accurate population data would help the government address both issues.

### ***Key factors to consider regarding government planning and birth registration in the Indian context:***

- There are potential long term benefits for government services and welfare planning through increased birth registration.
- Reliance on data from birth registration, which may be incomplete or inaccurate, will affect the efficacy of state distribution of services. In a country already experiencing vast internal socio, political and economic disparities, distribution skewed by birth registration (which is higher in more affluent areas) may serve to exacerbate inequalities.

## TYPOLOGY D: Sierra Leone

### Country context

#### Key Country Features

- Sub-Saharan African context (West Africa Region).
- Low income country.<sup>347</sup>
- Post conflict setting.<sup>348</sup>
- No official laws or policies that mandate birth registration for access to services.

#### Economic Profile

- Very high rates of poverty (an estimated 60% of the population live below the national poverty line on less than US\$ 1.25 a day).<sup>349</sup>
- Very high rates of youth employment (70% are un-or-under-employed).<sup>350</sup>

#### Governance and Judicial Systems:

- Low functioning governance within the country and low interaction between the population and its government. The legal system also functions poorly. Whilst governance has improved over the last decade, the 2013 Ibrahim Index of African Governance (IIAG) scored Sierra Leone lower than the continental and regional averages.<sup>351</sup>

#### Birth Registration:

- According to official statistics, birth registration rates of children under 5 years old score in the medium – high range of 78%<sup>352</sup> (although most participants accessed during the qualitative field research reported to be without registration or certificates).

#### Services:

- Provision of social services in underdeveloped;<sup>353</sup> where services do exist there are significant barriers to access (to these services) for large sections of the population.

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<sup>347</sup> One of the world's poorest countries, ranked 177 out of 187 in the latest Human Development Index; An estimated 60% of the population live below the national poverty line on less than US\$ 1.25 a day, and around 70% of the youth are either un or under-employed.

<sup>348</sup> Though fast progress has been made over the last decade, the country and its economy have been deeply affected by the eleven year civil war, declared officially over in 2002.

<sup>349</sup> UNDP (n.d.) *Human Development Reports: Sierra Leone* [online] Available from:

<http://hdr.undp.org/en/countries/profiles/SLE> [Accessed January 2014].

<sup>350</sup> UNDP (n.d.) *About Sierra Leone* [online] Available from:

<http://www.sl.undp.org/content/sierraleone/en/home/countryinfo/>, [Accessed January 2014].

<sup>351</sup> Mo Ibrahim Foundation (2013) *2013 Ibrahim Index of African Governance (IIAG)* [online] Available from:

<http://www.moibrahimfoundation.org/interact/> [Accessed January 2014].

<sup>352</sup> Child Info (n.d.) *Statistics by area: child protection* [online] Available from:

[http://www.childinfo.org/birth\\_registration\\_tables.php](http://www.childinfo.org/birth_registration_tables.php) [Accessed January 2014]



### **Influence of development actors:**

- There is a high level of influence by development actors and about 50% of public investment programmes are funded externally.<sup>354</sup>

## **Impact of birth registration on children's rights (based on research findings)**

### **Legal identity**

#### **Relationship between birth registration and legal identity in Sierra Leone: Mixed.**

On the one hand, the majority of participants reported to experience a strong relationship between birth registration and the feeling of 'belonging' as a citizen to the state of Sierra Leone. On the other hand, the research indicates that birth registration is not being used as a form of legal identity in practice by most Sierra Leoneans.

For the most part respondents seemed to feel that birth certificates are important for establishing 'legal' or 'formal' Sierra Leonean identity: 'it shows you belong to a particular country' / 'to practice your franchise' were typical responses. Although some communities were reportedly reluctant to engage in formal legal processes: 'this is a taboo inherited from our forefathers, some groups believe that people should not be counted.'

Legal identity appears to only have practical or concrete value in the lives of the most affluent populations. Few participants actually possessed birth certificates or other documents. Birth certificates most common practical use is to access a passport for international travel, or to get official jobs such as those within international organisations (e.g. mining companies) or NGOs. Only the most well off members of society are able to access these opportunities. Fundamental obstacles, such as poverty and lack of education, prevent the majority of people accessing travel and formal work opportunities, notwithstanding their possession of a birth certificate. Participants did not report birth certificates to be useful for repatriation, gaining refugee status, or other forms of legal identity during and after the civil war. Birth certificates are not necessary to vote.

#### ***Key factors to consider regarding legal identity and birth registration in the Sierra Leone context:***

- As the state develops legal identity is likely to become increasingly important in people's lives. Legal identity can support people to obtain important documents like passports, required for international travel.
- When programming from a rights-based approach, it is critical that identity isn't used to exclude non citizens, or other marginalised groups. It is also important that legal identity is not perceived as an automatic 'key' to

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<sup>353</sup> Although though the Free Health Care Initiative (FHCI), 2010, has increased access amongst children under five years of age, pregnant women and lactating mothers; UNICEF (2012) *Equity Case Studies: Sierra Leone - Removing health care user fees to improve prospects for mothers and children* [online] Available from: [http://www.unicef.org/equity/index\\_65330.html](http://www.unicef.org/equity/index_65330.html) [Accessed January 2014].

<sup>354</sup> UNDP (n.d.) *About Sierra Leone* [online] Available from: <http://www.sl.undp.org/content/sierraleone/en/home/countryinfo/>, [Accessed January 2014].

realise human rights, as government's might equally use legal identity to violate the rights (of sections of) the population, especially in fragile states.

## **Access to services**

### **Relationship between birth registration and access to services in Sierra Leone: Weak.**

Participants rarely used birth certificates to access services, and there is no official requirement for them to do so. Some participants, however, appeared to have a perception that they might be required to have a birth certificate to access school, particularly higher or elite institutions. These ideas appeared to have come from the messaging of NGOs. In one community in Freetown (Wellington) some unregistered children reported having to pay a fee to enter school without a birth certificate, indicating bribery.

Birth registration does not play a meaningful role in facilitating access to services in this context; service provision is low, and there are other significant barriers to accessing services that exist (e.g. poverty, rurality, discrimination etc) which are not addressed through registration. Children who are accessing services may be more likely to be birth registered; this does not mean that children who are birth registered are more likely to access services.

### ***Key factors to consider regarding access to services and birth registration in the Sierra Leone context:***

- Service delivery can be used as a 'vehicle' for registering children.
- Attempts to incentivise registration through introducing policies that require children to present birth certificates when accessing services (such as school) creates further barriers to access of these services for the most vulnerable populations.

## **Child Protection (child marriage and child labour)**

### **Relationship between child protection and birth registration in Sierra Leone: Weak**

The overwhelming majority of marriages in Sierra Leone are not formally registered and laws on customary marriage allow for under-18s to marry with their parents consent. However even where marriages are registered, none of the respondents reported showing a birth certificate in order to get married.

The vast majority of labour in Sierra Leone occurs outside of the formal economy and is not regulated. Children work as hawkers on the street, as domestic workers, shoe polishers, car washers, and engage in other, similar types of informal labour. As such, possessing a birth certificate appeared to have little relevance to a child's likelihood of working.

As child protection systems and legal systems are underdeveloped in this context, birth registration does not play a meaningful role in protecting individual children from rights abuses. Birth registration does not address the root causes of abuse, and children are still employed and married informally regardless of whether they possess identity documents such as birth certificates.

***Key factors to consider regarding child protection and birth registration in the Sierra Leone context:***

- As protection systems are underdeveloped, making claims about the value of birth certificates for protection outcomes in this context is misleading and distracts from more important concerns.

## **Government Planning**

### **Relationship between government planning and birth registration in Sierra Leone: Weak/evolving**

The relationship between birth registration and government planning in Sierra Leone is currently weak. Nonetheless, government personnel (especially from the Ministry of Health) felt that improved birth registration could help with planning, suggesting that there could be a stronger relationship in the future.

The research included interviews with the Ministry of Education, Science and Technology, The Ministry of Justice, Statistics Sierra Leone, The Ministry of Labour, The Ministry of Social Welfare, Gender and Children's Affairs, and the Ministry of Health and Sanitation. All ministries indicated that a robust civil registration system (including birth registration) would provide them with data that would be very helpful for their planning, particularly the Ministry of Education and Ministry of Health and Sanitation. However none of the Ministries are using this data yet as it is incomplete. Some ministries indicated that birth registration data is necessary for reporting to international organisations, donors and central government.

***Key factors to consider regarding governance and birth registration in the Sierra Leone context:***

- Improving birth registration data can help with government planning, especially health planning.
- Until rates of birth registration are almost universal (almost 100%) planning based on this data is likely to exclude the most vulnerable groups.

## Appendix B: Education outcomes and birth registration: quantitative analysis of Plan International's sponsorship dataset

**Table B1: Panel data description for India.**

Variable		Mean	Std. Dev.	Min	Max	Obs.
BC1	overall	0.467	0.499	0	1	N=49437
	between		0.474	0	1	n=16479
	within		0.155	-0.200	1.133	T=3
Age appropriate education	overall	0.882	0.322	0	1	N=49437
	between		0.252	0	1	n=16479
	within		0.201	0.216	1.549	T=3
Formal education	overall	0.848	0.359	0	1	N=49437
	between		0.288	0	1	n=16479
	within		0.214	0.182	1.515	T=3
Discontinued schooling	overall	0.079	0.270	0	1	N=49437
	between		0.224	0	1	n=16479
	within		0.150	-0.588	0.746	T=3
Roof	overall	0.665	0.472	0	1	N=49437
	between		0.409	0	1	n=16479
	within		0.235	-0.001	1.332	T=3
Wall	overall	0.775	0.418	0	1	N=49437
	between		0.330	0	1	n=16479
	within		0.256	0.108	1.441	T=3
Toilet	overall	0.317	0.465	0	1	N=49437
	between		0.449	0	1	n=16479
	within		0.123	-0.350	0.984	T=3
Water	overall	0.855	0.352	0	1	N=49428
	between		0.292	0	1	n=16479
	within		0.197	0.188	1.521	T=2.99945
Children	overall	3.127	1.413	0	11	N=49437
	between		1.377	0.66667	10.6667	n=16479
	within		0.315	-1.540	5.794	T=3
Special Circumstances	overall	0.004	0.064	0	1	N=49437
	between		0.050	0	1	n=16479
	within		0.040	-0.663	0.671	T=3
Rural	overall	0.306	0.461	0	1	N=49437
	between		0.461	0	1	n=16479
	within		0.000	0.306	0.306	T=3
Male Carer	overall	0.253	0.435	0	1	N=49437
	between		0.417	0	1	n=16479
	within		0.124	-0.414	0.920	T=3
Female Carer	overall	0.990	0.100	0	1	N=49437
	between		0.093	0	1	n=16479
	within		0.038	0.323	1.657	T=3
Mother Alive	overall	0.962	0.191	0	1	N = 49437
	between		0.184	0	1	n = 16479
	within		0.053	0.295	1.629	T = 3
Father Alive	overall	0.981	0.135	0	1	N = 49437
	between		0.130	0	1	n = 16479
	within		0.037	0.315	1.648	T = 3
Language	overall	144.99	81.863	18	272	N=49437
	between		81.864	18	272	n=16479
	within		0.000	144.99	144.99	T=3
Sex	overall	0.390	0.488	0	1	N=49437
	between		0.488	0	1	n=16479
	within		0.000	0.390	0.390	T=3

**Table B2: Determinants of age appropriate schooling and formal schooling in India.**

	Age Appropriate Schooling			Formal Education		
	Pooled logit	Fixed Effects	Random Effects	Pooled logit	Fixed Effects	Random Effects
BC	0.5935*** (0.050) [1.810]	0.3083** (0.134) [1.361]	0.8364*** (0.081) [2.308]	0.0012 (0.036) [1.001]	0.6368** (0.156) [1.890]	0.3179** (0.082) [1.374]
2011_D	0.0239 (0.035) [1.024]	0.0906** (0.045) [1.095]	0.0569 (0.044) [1.059]	0.4719*** (0.030) [1.603]	1.1172** (0.049) [3.056]	0.9932** (0.045) [2.700]
2012_D	-0.0354 (0.036) [0.965]	0.1997** (0.049) [1.221]	0.0266 (0.046) [1.027]	0.8105*** (0.034) [2.249]	1.9351** (0.059) [6.925]	1.7027** (0.053) [5.489]
Roof	0.2549*** (0.033) [1.290]	-0.0494 (0.087) [0.952]	0.3202** (0.057) [1.377]	0.3837*** (0.029) [1.468]	0.3137** (0.095) [1.369]	0.6456** (0.063) [1.907]
Wall	0.2991*** (0.034) [1.349]	-0.0699 (0.065) [0.932]	0.2579** (0.054) [1.294]	0.3220*** (0.032) [1.380]	-0.4812** (0.079) [0.618]	0.1586** (0.061) [1.172]
Toilet	0.5461*** (0.050) [1.726]	-0.0296 (0.175) [0.971]	0.7919** (0.087) [2.208]	0.3294*** (0.041) [1.390]	0.3011 (0.205) [1.351]	0.7616** (0.097) [2.142]
Water	0.3883*** (0.041) [1.474]	0.0366 (0.084) [1.037]	0.3927** (0.066) [1.481]	0.3048*** (0.038) [1.356]	-0.3944** (0.096) [0.674]	0.0320 (0.077) [1.033]
Children	-0.1034*** (0.010) [0.902]	0.1580** (0.055) [1.171]	-0.1529** (0.020) [0.858]	0.1607*** (0.010) [1.174]	1.0738** (0.070) [2.927]	0.3819** (0.025) [1.465]
Special Circumstances	-2.5598*** (0.148) [0.077]	-1.0532** (0.465) [0.349]	-2.8046** (0.305) [0.061]	-2.6271*** (0.153) [0.072]	-2.8795** (0.773) [0.056]	-3.3731** (0.398) [0.034]
Rural	-0.8247*** (0.058) [0.438]		-0.8919** (0.106) [0.410]	-0.3077*** (0.047) [0.735]		-0.2071* (0.120) [0.813]
Father	0.5337*** (0.067) [1.705]	1.2322** (0.333) [3.429]	0.8809** (0.135) [2.413]	-0.0306 (0.069) [0.970]	1.7859** (0.380) [5.965]	0.2172 (0.171) [1.243]
Mother	0.2995*** (0.106) [1.349]	-0.0327 (0.483) [0.968]	0.4514** (0.209) [1.571]	0.0373 (0.111) [1.038]	1.1702* (0.682) [3.223]	0.2373 (0.271) [1.268]
Male carer	-0.1179*** (0.044) [0.889]	-0.6159** (0.140) [0.540]	-0.3526** (0.079) [0.703]	0.5393*** (0.043) [1.715]	-0.8662** (0.158) [0.421]	0.6154** (0.095) [1.850]
Female Carer	0.5499*** (0.135) [1.733]	-0.3498 (0.493) [0.705]	0.5255** (0.263) [1.691]	0.8303*** (0.141) [2.294]	-0.2510 (0.603) [0.778]	0.9794** (0.337) [2.663]
Hindi	0.5178*** (0.047) [1.678]		0.6722** (0.088) [1.958]	-0.0833* (0.043) [0.920]		-0.2939** (0.108) [0.745]
Local Language	-0.5742*** (0.049) [0.563]		-0.8384** (0.097) [0.432]	-0.5089*** (0.046) [0.601]		-1.2146** (0.121) [0.297]
Oriya	0.3200*** (0.078) [1.377]		0.6275** (0.151) [1.873]	0.7384*** (0.078) [2.093]		1.4821** (0.196) [4.402]
Bhojpuri	-0.3482*** (0.063) [0.706]		-0.3904** (0.128) [0.677]	-0.4295*** (0.058) [0.651]		-0.8040** (0.156) [0.448]
Sex	0.2567*** (0.031) [1.293]		0.3368** (0.061) [1.401]	0.5108*** (0.028) [1.667]		1.0253** (0.075) [2.788]
N	49428	8991	49428	49428	10185	49428
Ln(L)	-16570	-3259	-14874	-19557	-2655	-16345

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

**Table B3: Determinants of discontinued schooling and new enrolment in India.**

	Discontinued schooling (@ any age)			Not Enrolled @ 6
	Pooled logit	Fixed Effects	Random Effects	Logit
BC	-0.7291*** (0.078) [0.482]	-0.2449 (0.245) [0.783]	-1.2396*** (0.154) [0.290]	-0.9686*** (0.217) [0.380]
2011_D	-0.0425 (0.047) [0.958]	-0.0851 (0.070) [0.918]	-0.0576 (0.067) [0.944]	-0.9572*** (0.140) [0.384]
2012_D	0.1813*** (0.047) [1.199]	0.0455 (0.076) [1.047]	0.2602*** (0.069) [1.297]	-1.4290*** (0.178) [0.240]
Roof	-0.3344*** (0.043) [0.716]	0.0556 (0.137) [1.057]	-0.4616*** (0.090) [0.630]	-0.2839** (0.133) [0.753]
Wall	-0.5713*** (0.042) [0.565]	-0.1544* (0.088) [0.857]	-0.6708*** (0.076) [0.511]	-0.5827*** (0.132) [0.558]
Toilet	-0.7336*** (0.074) [0.480]	-0.2791 (0.319) [0.756]	-1.3017*** (0.159) [0.272]	-0.8995*** (0.272) [0.407]
Water	-0.4766*** (0.051) [0.621]	-0.0961 (0.106) [0.908]	-0.4916*** (0.092) [0.612]	-0.2778* (0.142) [0.757]
Children	0.0669*** (0.013) [1.069]	-0.4978*** (0.082) [0.608]	0.0874*** (0.032) [1.091]	-0.0223 (0.044) [0.978]
Special Circumstances	3.5590*** (0.169) [35.128]	2.3005*** (0.647) [9.979]	4.6576*** (0.466) [105.379]	3.6027*** (0.656) [36.699]
Rural	1.3279*** (0.091) [3.773]		1.9805*** (0.201) [7.247]	-0.1727 (0.283) [0.841]
Father	-0.6282*** (0.079) [0.534]	-1.2850*** (0.454) [0.277]	-1.2480*** (0.193) [0.287]	-0.2269 (0.383) [0.797]
Mother	-0.3101** (0.123) [0.733]	-0.3072 (0.677) [0.736]	-0.6103** (0.295) [0.543]	-0.4211 (0.526) [0.656]
Male carer	0.0664 (0.057) [1.069]	0.2746 (0.174) [1.316]	0.2085* (0.118) [1.232]	0.0271 (0.218) [1.027]
Female Carer	-0.7054*** (0.154) [0.494]	0.0387 (0.655) [1.039]	-0.9394** (0.366) [0.391]	-0.5084 (0.674) [0.601]
Hindi	-1.1041*** (0.073) [0.332]		-1.8429*** (0.171) [0.158]	0.9837*** (0.248) [2.674]
Local Language	1.0694*** (0.068) [2.914]		2.0295*** (0.169) [7.611]	2.1704*** (0.249) [8.762]
Oriya	-0.2014** (0.102) [0.818]		-0.5366** (0.251) [0.585]	-0.5122 (0.557) [0.599]
Bhojpuri	0.7031*** (0.086) [2.020]		1.0707*** (0.212) [2.917]	0.1498 (0.449) [1.162]
Sex	-0.5099*** (0.040) [0.601]		-0.8742*** (0.102) [0.417]	-0.4921*** (0.131) [0.611]
N	38083	4094	38083	4621
Ln(L)	-10206	-1455	-8401	-1024

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio []

**Table B4: Panel data description for Kenya.**

Variable		Mean	Std. Dev.	Min	Max	Obs.
BC1	overall	0.877	0.329	0	1	N=50364
	between		0.295	0	1	n=16788
	within		0.145	0.210	1.543	T=3
Age appropriate education	overall	0.774	0.418	0	1	N=50364
	between		0.342	0	1	n=16788
	within		0.240	0.108	1.441	T=3
Formal education	overall	0.942	0.234	0	1	N=50364
	between		0.201	0	1	n=16788
	within		0.119	0.275	1.609	T=3
Discontinued schooling	overall	0.003	0.050	0	1	N=50364
	between		0.038	0	1	n=16788
	within		0.033	-0.664	0.669	T=3
Roof	overall	0.587	0.492	0	1	N=50364
	between		0.433	0	1	n=16788
	within		0.235	-0.079	1.254	T=3
Wall	overall	0.462	0.499	0	1	N=50364
	between		0.437	0	1	n=16788
	within		0.240	-0.204	1.129	T=3
Toilet	overall	0.631	0.483	0	1	N=50364
	between		0.386	0	1	n=16788
	within		0.289	-0.036	1.298	T=3
Water	overall	0.246	0.431	0	1	N=50310
	between		0.332	0	1	n=16788
	within		0.275	-0.420	0.913	T=2.997
Children	overall	2.875	1.456	0	12	N=50364
	between		1.426	0.6667	11	n=16788
	within		0.297	-0.459	6.208	T=3
Special Circumstances	overall	0.007	0.083	0	1	N=50364
	between		0.068	0	1	n=16788
	within		0.048	-0.660	0.674	T=3
Rural	overall	0.858	0.349	0	1	N=50364
	between		0.349	0	1	n=16788
	within		0.000	0.858	0.858	T=3
Male Carer	overall	0.737	0.440	0	1	N=50364
	between		0.436	0	1	n=16788
	within		0.059	0.071	1.404	T=3
Female Carer	overall	0.958	0.200	0	1	N=50364
	between		0.197	0	1	n=16788
	within		0.037	0.291	1.625	T=3
Father Alive	overall	0.766	0.423	0	1	N=50364
	between		0.420	0	1	n=16788
	within		0.055	0.100	1.433	T=3
Mother Alive	overall	0.917	0.276	0	1	N=50364
	between		0.272	0	1	n=16788
	within		0.046	0.250	1.584	T=3
Language	overall	158.86	73.771	18	270	N=50364
	between		73.773	18	270	n=16788
	within		0.000	158.86	158.86	T=3
Sex	overall	0.416	0.493	0	1	N=50364
	between		0.493	0	1	n=16788
	within		0.000	0.416	0.416	T=3

**Table B5: Age appropriate schooling and formal schooling in Kenya**

	Age Appropriate Schooling			Formal Education		
	Pooled logit	Fixed Effects	Random Effects	Pooled logit	Fixed Effects	Random Effects
BC	0.0773*** (0.023) [1.080]	0.1005 (0.112) [1.106]	0.1860*** (0.060) [1.204]	0.1449*** (0.045) [1.156]	0.9648* (0.530) [2.624]	0.4070*** (0.121) [1.502]
2011_D	-0.4616*** (0.028) [0.630]	-0.8952** (0.043) [0.409]	-0.9650** (0.043) [0.381]	0.4790*** (0.046) [1.615]	2.4147** (0.154) [11.186]	1.5950** (0.092) [4.928]
2012_D	-0.8082*** (0.030) [0.446]	-1.5419** (0.056) [0.214]	-1.6650** (0.051) [0.189]	1.2369*** (0.061) [3.445]	4.8814** (0.240) [131.812]	3.9833** (0.145) [53.693]
Roof	0.2290*** (0.027) [1.257]	0.2256** (0.077) [1.253]	0.4113** (0.057) [1.509]	0.4396*** (0.051) [1.552]	0.2610 (0.323) [1.298]	0.6803** (0.127) [1.974]
Wall	0.0803** (0.032) [1.084]	-0.1416* (0.078) [0.868]	0.0209 (0.064) [1.021]	0.2675*** (0.067) [1.307]	0.1015 (0.386) [1.107]	0.4294** (0.166) [1.536]
Toilet	0.0823*** (0.027) [1.086]	0.0245 (0.068) [1.025]	0.0877 (0.055) [1.092]	-0.0834* (0.049) [0.920]	0.0327 (0.286) [1.033]	-0.0196 (0.118) [0.981]
Water	0.0290 (0.027) [1.029]	-0.0485 (0.069) [0.953]	0.0017 (0.055) [1.002]	0.0097 (0.052) [1.010]	-0.0406 (0.282) [0.960]	-0.0103 (0.129) [0.990]
Children	0.0175** (0.008) [1.018]	0.4348** (0.059) [1.545]	0.0760** (0.022) [1.079]	0.2821*** (0.016) [1.326]	0.8855** (0.255) [2.424]	0.6203** (0.045) [1.859]
Special Circumstances	-0.3795*** (0.123) [0.684]	0.1986 (0.386) [1.220]	-0.2450 (0.278) [0.783]	0.1712 (0.589) [1.187]	10.4011 (500.340) [32895.477]	0.1683 (1.324) [1.183]
Rural	-0.3479*** (0.047) [0.706]		-0.7010** (0.127) [0.496]	0.1708 (0.128) [1.186]		0.6906** (0.322) [1.995]
Father	0.1088*** (0.037) [1.115]	-0.5532 (0.447) [0.575]	0.1681 (0.109) [1.183]	-0.0852 (0.075) [0.918]	3.8284** (1.635) [45.988]	-0.0479 (0.210) [0.953]
Mother	0.2657*** (0.044) [1.304]	0.2313 (0.366) [1.260]	0.5180** (0.127) [1.679]	-1.3005*** (0.136) [0.272]	-0.5729 (1.907) [0.564]	-2.2530** (0.330) [0.105]
Male carer	0.0505 (0.034) [1.052]	0.9921** (0.407) [2.697]	0.1665* (0.100) [1.181]	-0.2768*** (0.069) [0.758]	-3.0151** (1.202) [0.049]	-0.6446** (0.193) [0.525]
Female Carer	0.1224** (0.056) [1.130]	0.6081 (0.568) [1.837]	0.2821* (0.163) [1.326]	0.1838 (0.113) [1.202]	-0.1779 (2.693) [0.837]	0.2916 (0.325) [1.339]
Kikamba	0.0967*** (0.034) [1.102]		0.4485** (0.091) [1.566]	-0.0977 (0.064) [0.907]		0.0540 (0.175) [1.055]
Luo	0.4918*** (0.039) [1.635]		1.0501** (0.108) [2.858]	1.4160*** (0.102) [4.120]		3.7326** (0.268) [41.787]
Sex	-0.2661*** (0.022) [0.766]		-0.5525** (0.066) [0.576]	0.5991*** (0.045) [1.820]		1.3163** (0.127) [3.730]
N	48789	12852	48789	48789	2981	48789
Ln(L)	-25459	-3868	-20871	-9254	-309	-6107

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].



**Table B6: Determinants of discontinued schooling and new enrolment in Kenya.**

	Discontinued schooling (@ any age)		Not Enrolled @ 6
	Pooled logit	Random Effects	Logit
BC	-0.4260*** (0.142) [0.653]	-0.4609* (0.244) [0.631]	-0.1533 (0.238) [0.858]
2011_D	-0.2895** (0.137) [0.749]	-0.6521*** (0.178) [0.521]	-0.1254 (0.230) [0.882]
2012_D	-0.9701*** (0.182) [0.379]	-1.8970*** (0.251) [0.150]	-1.3514*** (0.400) [0.259]
Roof	-0.2426 (0.156) [0.785]	-0.4203* (0.256) [0.657]	-0.4395 (0.284) [0.644]
Wall	-0.4948** (0.203) [0.610]	-0.5845* (0.330) [0.557]	-0.0270 (0.396) [0.973]
Toilet	0.0997 (0.144) [1.105]	0.2347 (0.236) [1.265]	0.2172 (0.259) [1.243]
Water	-0.2186 (0.158) [0.804]	-0.0824 (0.250) [0.921]	-0.2584 (0.270) [0.772]
Children	0.0800* (0.042) [1.083]	0.1104 (0.076) [1.117]	0.2494*** (0.069) [1.283]
Special Circumstances	0.9721 (0.738) [2.644]	1.1849 (1.416) [3.270]	
Rural	0.0661 (0.391) [1.068]	-0.2474 (0.795) [0.781]	-0.8371 (0.767) [0.433]
Father	-0.3134 (0.211) [0.731]	-0.4876 (0.388) [0.614]	-0.5543 (0.410) [0.574]
Mother	0.1072 (0.272) [1.113]	0.3258 (0.518) [1.385]	0.0809 (0.650) [1.084]
Male carer	0.1635 (0.197) [1.178]	0.2254 (0.360) [1.253]	0.4699 (0.386) [1.600]
Female Carer	-0.2052 (0.315) [0.815]	-0.4142 (0.586) [0.661]	-0.0808 (0.544) [0.922]
Kikamba	0.1596 (0.197) [1.173]	0.2030 (0.345) [1.225]	-0.2308 (0.375) [0.794]
Luo	-1.4768*** (0.303) [0.228]	-2.6293*** (0.666) [0.072]	-1.9857*** (0.689) [0.137]
Sex	-0.0395 (0.125) [0.961]	-0.0583 (0.232) [0.943]	0.1570 (0.224) [1.170]
N	43558	43558	2386
Ln(L)	-1556	-1355	-365

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

**Table B7: Panel data description for Sierra Leone.**

Variable		Mean	Std. Dev.	Min	Max	Obs.
BC1	overall	0.956	0.204	0	1	N = 9572
	between		0.157	0	1	n = 4786
	within		0.130	0.456	1.456	T = 2
Age appropriate Education	overall	0.937	0.243	0	1	N = 9572
	between		0.196	0	1	n = 4786
	within		0.143	0.437	1.437	T = 2
Formal education	overall	0.827	0.379	0	1	N = 9572
	between		0.359	0	1	n = 4786
	within		0.121	0.327	1.327	T = 2
Discontinued schooling	overall	0.003	0.055	0	1	N = 9572
	between		0.040	0	1	n = 4786
	within		0.038	-0.497	0.503	T = 2
Roof	overall	0.960	0.196	0	1	N = 9572
	between		0.142	0	1	n = 4786
	within		0.135	0.460	1.460	T = 2
Wall	overall	0.957	0.202	0	1	N = 9572
	between		0.155	0	1	n = 4786
	within		0.129	0.457	1.457	T = 2
Toilet	overall	0.011	0.107	0	1	N = 9572
	between		0.085	0	1	n = 4786
	within		0.065	-0.489	0.511	T = 2
Water	overall	0.471	0.499	0	1	N = 9553
	between		0.327	0	1	n = 4785
	within		0.377	-0.029	0.971	T = 1.99645
Children	overall	1.792	0.973	1	12	N = 9572
	between		0.963	1	12	n = 4786
	within		0.141	0.292	3.292	T = 2
Male Carer	overall	0.758	0.429	0	1	N = 9572
	between		0.422	0	1	n = 4786
	within		0.074	0.258	1.258	T = 2
Female Carer	overall	0.954	0.210	0	1	N = 9572
	between		0.202	0	1	n = 4786
	within		0.055	0.454	1.454	T = 2
Father Alive	overall	0.686	0.464	0	1	N = 9572
	between		0.460	0	1	n = 4786
	within		0.060	0.186	1.186	T = 2
Mother Alive	overall	0.862	0.345	0	1	N = 9572
	between		0.335	0.000	1.000	n = 4786
	within		0.080	0.362	1.362	T = 2
Sex	overall	0.254	0.435	0	1	N = 9564
	between		0.436	0	1	n = 4782
	within		0.000	0.254	0.254	T = 2

Note: The variables of 'language,' 'special circumstances' and 'rural/urban' have been dropped from the analysis because, these were shown to be invariant variables, meaning that they were common for all individuals i.e. all had experienced some kind of special circumstances, all lived in rural areas and language was common all individuals.

**Table B8: Age appropriate schooling, and formal schooling in Sierra Leone**

	Age Appropriate Schooling			Formal Education		
	Pooled logit	Fixed Effects	Random Effects	Pooled logit	Fixed Effects	Random Effects
BC	0.2425** (0.102) [1.274]	0.8457** (0.391) [2.330]	0.4451** (0.174) [1.561]	0.1556** (0.066) [1.168]	15.3559 (2612.676) [4666624]	0.4736* (0.248) [1.606]
2012_D	-0.8427*** (0.107) [0.431]	-1.2492** (0.198) [0.287]	-1.2319** (0.150) [0.292]	0.3523*** (0.067) [1.422]	2.8509** (0.468) [17.303]	2.3046** (0.216) [10.020]
Roof	0.4596** (0.226) [1.583]	0.8517** (0.408) [2.344]	0.7074** (0.334) [2.029]	-0.2530 (0.181) [0.776]	0.3103 (1.811) [1.364]	-0.5026 (0.483) [0.605]
Wall	-0.3360 (0.255) [0.715]	-1.0750** (0.466) [0.341]	-0.6942* (0.375) [0.499]	-1.0849*** (0.223) [0.338]	0.4013 (1.649) [1.494]	-1.6544** (0.553) [0.191]
Toilet	0.2300 (0.396) [1.259]	1.6546* (0.853) [5.231]	0.5947 (0.625) [1.812]	1.0209** (0.426) [2.776]	14.9277 (7988.635) [3041124]	1.4766 (1.444) [4.378]
Water	-0.0167 (0.101) [0.983]	-0.3898 (0.252) [0.677]	-0.1740 (0.156) [0.840]	0.1233* (0.067) [1.131]	0.8861 (0.699) [2.426]	0.8256** (0.231) [2.283]
Children	-0.0302 (0.044) [0.970]	-0.6483 (0.448) [0.523]	-0.0357 (0.078) [0.965]	0.3743*** (0.035) [1.454]	1.0625 (1.641) [2.894]	1.0698** (0.141) [2.915]
Father	0.1825 (0.152) [1.200]	-0.7414 (1.465) [0.476]	0.2886 (0.265) [1.335]	-0.7752*** (0.122) [0.461]	-2.1635 (1.675) [0.115]	-2.0127** (0.432) [0.134]
Mother	-0.2969** (0.151) [0.743]	0.1503 (0.783) [1.162]	-0.4789* (0.257) [0.619]	-0.7430*** (0.111) [0.476]	-1.0020 (1.604) [0.367]	-1.7810** (0.377) [0.168]
Male carer	-0.2271 (0.162) [0.797]	-0.3857 (1.104) [0.680]	-0.3890 (0.280) [0.678]	0.5116*** (0.124) [1.668]	16.4055 (5182.468) [13328960]	1.1373** (0.441) [3.118]
Female Carer	0.0446 (0.218) [1.046]	-1.0591 (1.385) [0.347]	0.0101 (0.378) [1.010]	-0.3971** (0.183) [0.672]	-1.2310 (1.674) [0.292]	-0.7881 (0.586) [0.455]
Sex	-0.1984** (0.096) [0.820]		-0.2718 (0.172) [0.762]	1.0528*** (0.084) [2.866]		2.6766** (0.307) [14.536]
N	9545	776	9545	9545	562	9545
Ln(L)	-2181	-192	-2032	-4096	-39	-2838

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

**Table B9: Determinants of discontinued schooling and new enrolment in Sierra Leone.**

	Discontinued schooling (@ any age)		Not Enrolled @ 6
	Pooled logit	Random Effects	Logit
BC	-0.5486*** (0.205) [0.578]	-1.0779*** (0.405) [0.340]	-0.0033 (0.332) [0.997]
2011_D	-0.0065 (0.225) [0.994]	-0.8176** (0.373) [0.441]	0.6655** (0.327) [1.946]
Roof	-0.3101 (0.364) [0.733]	-0.6856 (0.647) [0.504]	-0.4278 (0.644) [0.652]
Water	-0.5969** (0.235) [0.551]	-0.9032** (0.437) [0.405]	-0.6530* (0.340) [0.520]
Children	0.0919 (0.087) [1.096]	0.0706 (0.189) [1.073]	-0.1677 (0.168) [0.846]
Father	0.1303 (0.350) [1.139]	0.2759 (0.716) [1.318]	-0.5892 (0.540) [0.555]
Mother	0.2832 (0.333) [1.327]	0.4516 (0.650) [1.571]	0.8535 (0.603) [2.348]
Male carer	0.1765 (0.376) [1.193]	0.2123 (0.761) [1.237]	0.8568 (0.589) [2.356]
Female Carer	-0.1377 (0.419) [0.871]	-0.3021 (0.841) [0.739]	-0.9719 (0.612) [0.378]
Sex	0.1285 (0.203) [1.137]	-0.0182 (0.430) [0.982]	0.2125 (0.315) [1.237]
N	7522	7522	996
Ln(L)	-586	-530	-218

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

**Example: Kenya results with 3 year unbalanced panel data.**

The unbalanced panel data for Kenya is used here to illustrate that the broad findings, meaning the direction of association, are robust to the choice of balanced or unbalanced data.

	Age Appropriate Schooling			Formal Education		
	Pooled logit	Fixed Effects	Random Effects	Pooled logit	Fixed Effects	Random Effects
BC	0.1013*** (0.013) [1.107]	0.1743** (0.076) [1.190]	0.2121** (0.032) [1.236]	0.2194*** (0.021) [1.245]	1.1535** (0.187) [3.169]	0.6391** (0.051) [1.895]
2011_D	0.3174*** (0.018) [1.373]	1.2949** (0.037) [3.651]	1.0857** (0.032) [2.962]	-0.0153 (0.026) [0.985]	-1.9405** (0.075) [0.144]	-0.8312** (0.047) [0.436]
2012_D	0.1048*** (0.015) [1.111]	0.5650** (0.029) [1.759]	0.4544** (0.025) [1.575]	0.1262*** (0.023) [1.135]	-0.6197** (0.055) [0.538]	-0.2217** (0.041) [0.801]
Roof	0.1638*** (0.015) [1.178]	0.2361** (0.046) [1.266]	0.3196** (0.031) [1.377]	0.3048*** (0.023) [1.356]	0.0501 (0.106) [1.051]	0.4486** (0.050) [1.566]
Wall	0.0857*** (0.017) [1.089]	-0.0029 (0.044) [0.997]	0.1063** (0.033) [1.112]	0.2945*** (0.027) [1.342]	0.6041** (0.111) [1.830]	0.5683** (0.059) [1.765]
Toilet	0.0565*** (0.015) [1.058]	-0.0242 (0.041) [0.976]	0.0820** (0.030) [1.085]	0.1218*** (0.022) [1.130]	1.4911** (0.106) [4.442]	0.4309** (0.047) [1.539]
Water	-0.0337** (0.015) [0.967]	-0.0870** (0.043) [0.917]	-0.0970** (0.031) [0.908]	0.0827*** (0.023) [1.086]	0.7897** (0.101) [2.203]	0.2249** (0.049) [1.252]
Children	0.0101** (0.004) [1.010]	0.3525** (0.038) [1.423]	0.0484** (0.011) [1.050]	0.2270*** (0.007) [1.255]	0.5047** (0.091) [1.657]	0.4550** (0.018) [1.576]
Special Circumstances	-0.2557*** (0.061) [0.774]	0.2588 (0.240) [1.295]	-0.3205** (0.139) [0.726]	-0.4167*** (0.127) [0.659]	0.9133 (0.954) [2.493]	-0.5175* (0.298) [0.596]
Rural	0.1706*** (0.022) [1.186]		0.4470** (0.054) [1.564]	0.7514*** (0.040) [2.120]		1.8597** (0.107) [6.422]
Father	0.0897*** (0.021) [1.094]	-0.4755* (0.265) [0.622]	0.1573** (0.056) [1.170]	0.0002 (0.035) [1.000]	0.8231 (0.737) [2.278]	0.1018 (0.090) [1.107]
Mother	0.3046*** (0.023) [1.356]	0.3148 (0.243) [1.370]	0.6696** (0.062) [1.953]	-1.1800*** (0.054) [0.307]	0.8296 (0.700) [2.292]	-2.3520** (0.135) [0.095]
Male carer	0.0746*** (0.019) [1.077]	0.6817** (0.260) [1.977]	0.2060** (0.052) [1.229]	-0.3318*** (0.033) [0.718]	0.8104 (0.717) [2.249]	-0.7453** (0.085) [0.475]
Female Carer	0.0286 (0.032) [1.029]	0.5223 (0.375) [1.686]	0.0332 (0.084) [1.034]	0.0830 (0.054) [1.087]	0.8713 (1.183) [2.390]	0.2512* (0.137) [1.286]
Kikamba	0.1457*** (0.020) [1.157]		0.4477** (0.050) [1.565]	-0.1085*** (0.029) [0.897]		-0.1027 (0.072) [0.902]
Luo	0.6903*** (0.018) [1.994]		1.5602** (0.046) [4.760]	1.2521*** (0.034) [3.498]		2.8284** (0.098) [16.918]
Sex	-0.2443*** (0.012) [0.783]		-0.5465** (0.033) [0.579]	0.5044*** (0.020) [1.656]		1.0970** (0.053) [2.995]
N	152692	27152	152692	152692	8404	152692
Ln(L)	-81253	-8492	-71456	-41189	-1935	-34377

## Appendix C: Health outcomes and birth registration: quantitative analysis of DHS data

**Table C1: Vaccinations vs. BR status in UP and MH in India.**

	Uttar Pradesh				Maharashtra			
	Unmatched	Matched			Unmatched	Matched		
		NN Calliper	NN	Kernel		NN Calliper	NN	Kernel
BCG	0.2975*** (0.019) [4.526]	0.1280*** (0.031) [2.127]	0.1161*** (0.035) [2.056]	0.1629*** (0.020) [2.582]	0.0878*** (0.017) [2.619]	0.0521 (0.035) [1.931]	0.0436 (0.055) [1.820]	0.0543** (0.027) [2.033]
POL 0	0.3455*** (0.018) [4.313]	0.1583*** (0.032) [1.898]	0.2014*** (0.039) [2.275]	0.3456*** (0.018) [2.290]	0.1723*** (0.031) [2.275]	0.1326*** (0.047) [1.833]	0.1764** (0.081) [2.183]	0.1243*** (0.039) [1.762]
DPT1	0.3017*** (0.020) [4.072]	0.1395*** (0.031) [2.092]	0.1413*** (0.037) [2.105]	0.1617*** (0.021) [2.303]	0.1205*** (0.021) [2.477]	0.1219*** (0.040) [2.759]	0.0906 (0.064) [2.233]	0.1010*** (0.032) [2.392]
POL 1	0.0408*** (0.011) [2.151]	0.0284* (0.016) [1.805]	0.0196 (0.018) [1.531]	0.0170 (0.011) [1.458]	0.1222*** (0.018) [3.125]	0.1270*** (0.038) [3.304]	0.1119* (0.060) [3.038]	0.1044*** (0.030) [2.884]
DPT2	0.3451*** (0.019) [4.319]	0.1578*** (0.033) [2.012]	0.1678*** (0.039) [2.118]	0.1991*** (0.022) [2.407]	0.1642*** (0.026) [2.409]	0.1636*** (0.045) [2.525]	0.0683 (0.071) [1.555]	0.1542*** (0.036) [2.410]
POL 2	0.0484*** (0.013) [1.685]	0.0431** (0.021) [1.617]	0.0266 (0.024) [1.361]	0.0345** (0.015) [1.473]	0.1788*** (0.023) [2.961]	0.1740*** (0.044) [3.064]	0.0839 (0.070) [1.882]	0.1449*** (0.035) [2.648]
DPT3	0.3506*** (0.018) [4.366]	0.1472*** (0.033) [1.815]	0.1706*** (0.039) [2.002]	0.2025*** (0.023) [2.279]	0.1878*** (0.031) [2.333]	0.1832*** (0.048) [2.254]	0.0915 (0.080) [1.535]	0.1733*** (0.039) [2.162]
POL 3	0.0689*** (0.015) [1.685]	0.0497** (0.025) [1.501]	0.0266 (0.028) [1.256]	0.0494*** (0.017) [1.489]	0.1635*** (0.031) [1.984]	0.1634*** (0.048) [2.095]	0.0958 (0.078) [1.565]	0.1394*** (0.039) [1.883]
Measles	0.3030*** (0.019) [3.510]	0.1702*** (0.033) [2.006]	0.1371*** (0.039) [1.750]	0.1806*** (0.023) [2.085]	0.2125*** (0.030) [2.512]	0.3002*** (0.048) [3.807]	0.3153*** (0.081) [3.971]	0.2370*** (0.039) [2.901]

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

N = Uttar Pradesh: 5657 Maharashtra: 2347

*The NN Calliper matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*

**Table C2: Diarrhoea treatment and access to birth registration in India.**

	Uttar Pradesh				Maharashtra and Uttar Pradesh			
	Unmatched	Matched			Unmatched	Matched		
		NN Calliper	NN	Kernel		NN Calliper	NN	Kernel
Given oral rehydration	0.2618*** (0.095) [1.956]	0.2618* (0.140) [2.315]	0.1875 (0.431) [1.800]	0.2597* (0.139) [2.365]	0.4669*** (0.060) [3.724]	0.3909*** (0.094) [2.829]	0.4014* (0.237) [2.908]	0.3833*** (0.085) [2.752]
Given antibiotic pills or syrups	-0.0566 (0.086) [0.861]	-0.0631 (0.098) [0.522]	0.0625** (0.030) [1.064]	-0.0888 (0.091) [0.419]	0.0960*** (0.023) [2.745]	0.0186 (0.035) [1.159]	-0.1730* (0.102) [0.384]	0.0222 (0.032) [1.187]

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

N = Uttar Pradesh: 571, Maharashtra & Uttar Pradesh: 800

*The NN Calliper matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here,*

**Table C3: Nutrition vs. birth registration status in India.**

	Uttar Pradesh				Maharashtra and Uttar Pradesh			
	Unmatched	Matched			Unmatched	Matched		
		NN Calliper	NN	Kernel		NN Calliper	NN	Kernel
Stunting	-0.1542*** (0.017) [0.462]	-0.0697*** (0.025) [0.682]	-0.0603 (0.039) [0.714]	-0.0730*** (0.019) [0.670]	-0.0282 (0.034) [0.848]	-0.0108 (0.057) [0.950]	0.0718 (0.060) [1.464] [1.177]	0.0323 (0.040)
Under-weight	-0.1320*** (0.017) [0.503]	-0.0415* (0.024) [0.782]	-0.0186 (0.038) [0.893]	-0.0423** (0.018) [0.781]	-0.0476 (0.035) [0.794]	-0.0375 (0.060) [0.852]	0.0335 (0.062) [1.173] [1.022]	0.0047 (0.041)
Wasting	-0.0192** (0.010) [0.733]	-0.0101 (0.014) [0.844]	-0.0244 (0.023) [0.682]	0.0004 (0.010) [1.008]	-0.0047 (0.024) [0.933]	-0.0060 (0.042) [0.953]	- (0.041) [0.976] [0.975]	0.0025 (0.028)
	-3.2724*** (0.498)	-1.5523*** (0.565)		-1.5724*** (0.565)	-0.7026 (0.791)	-0.2030 (0.901)		

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio [].

N = Uttar Pradesh: 6976 Maharashtra: 1838

*The Kernel matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*

**Table C4: Vaccinations vs. birth registration status in Kenya.**

	Unmatched	Matched		
		NN with calliper	NN (do not use)	Kernel
BCG	0.1002*** (0.010) [3.284]	0.0652*** (0.018) [2.277]	0.0103 (0.022) [1.210]	0.0577*** (0.014) [2.235]
POL0	0.2323*** (0.015) [2.721]	0.1052** (0.025) [1.578]	0.0832** (0.040) [1.479]	0.1302*** (0.019) [1.807]
DPT1	0.1033*** (0.011) [2.627]	0.0565*** (0.019) [1.790]	0.0133 (0.025) [1.183]	0.0612*** (0.015) [1.887]
POL 1	0.0994*** (0.011) [2.580]	0.0545*** (0.019) [1.773]	0.0223 (0.025) [1.314]	0.0613*** (0.015) [1.901]
DPT2	0.1344*** (0.013) [2.488]	0.0701*** (0.022) [1.678]	0.0395 (0.031) [1.376]	0.0860*** (0.017) [1.866]
POL 2	0.1197*** (0.013) [2.205]	0.0710*** (0.022) [1.666]	0.0583* (0.031) [1.540]	0.0743*** (0.017) [1.700]
DPT3	0.1321*** (0.015) [1.897]	0.0532** (0.024) [1.316]	0.0652* (0.037) [1.404]	0.0747*** (0.019) [1.469]
POL 3	0.1041*** (0.016) [1.574]	0.0726*** (0.025) [1.383]	0.1124*** (0.040) [1.628]	0.0699*** (0.020) [1.364]
Measles	0.1137*** (0.016) [1.692]	0.0776*** (0.025) [1.443]	0.0120 (0.038) [1.063]	0.0836*** (0.020) [1.484]

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level.

Standard Error in (), odd ratio []. N = 6191

*The Kernel / NN with Calliper matching techniques have been used within the presentation of these findings because they produced better matching diagnostics compared to the NN matching technique.*

**Table C5: Diarrhoea treatment and access to birth registration in Kenya.**

	Unmatched	Matched		
		NN with calliper	NN	Kernel
Given oral rehydration	-0.0013 (0.077) [0.994]	-0.0035 (0.090) [0.992]	0.0059 (0.125) [1.014]	0.0579 (0.087) [1.143]
Given recommend. home solution	0.1323* (0.072) [1.463]	0.0928 (0.082) [1.274]	0.0938 (0.107) [1.283]	0.0900 (0.080) [1.269]
Given antibiotic pills or syrups	-0.0449 (0.029) [0.720]	-0.0970** (0.035) [0.494]	-0.0587 (0.051) [0.641]	-0.0582* (0.035) [0.644]

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level.

Standard Error in (), odd ratio []. N = 594

*The NN with Calliper matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*



**Table C6: Nutrition vs. birth registration status in Kenya.**

	Unmatched	Matched		
		NN with calliper	NN	Kernel
Stunting	-0.0554*** (0.015) [0.815]	-0.0548** (0.023) [0.767]	-0.1124*** (0.037) [0.581]	-0.0670*** (0.018) [0.713]
Underweight	-0.0610*** (0.013) [0.732]	-0.0712*** (0.021) [0.658]	-0.1019*** (0.034) [0.545]	-0.0511*** (0.017) [0.719]
Wasting	-0.0124 (0.009) [0.861]	0.0027 (0.013) [1.049]	0.0147 (0.021) [1.317]	0.0022 (0.011) [1.038]
Breast feeding	0.5795* (0.325)	0.2430 (0.501)	-0.2288 (0.635)	0.2311 (0.402)

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio []. N = 6191

*The NN with Calliper matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*

**Table C7: Vaccinations vs. birth registration status in Sierra Leone.**

	Unmatched	Matched	
		NN with calliper	Kernel
BCG	0.1246*** (0.015) [2.042]	0.1222** (0.023) [2.005]	0.1299** (0.016) [2.126]
POL0	0.1414*** (0.020) [1.850]	0.1362** (0.044) [1.790]	0.1414** (0.020) [1.658]
DPT1	0.1231*** (0.017) [1.790]	0.1090** (0.024) [1.682]	0.1286*** (0.018) [1.845]
POL 1	0.1310*** (0.017) [1.830]	0.1352** (0.024) [1.885]	0.1415*** (0.018) [1.948]
DPT2	0.1285*** (0.018) [1.705]	0.1246** (0.025) [1.691]	0.1344*** (0.019) [1.767]
POL 2	0.1335*** (0.018) [1.725]	0.1451** (0.025) [1.827]	0.1403*** (0.019) [1.797]
DPT3	0.1310*** (0.019) [1.743]	0.1511** (0.026) [1.839]	0.1334*** (0.019) [1.711]
POL 3	0.1251*** (0.018) [1.669]	0.1735** (0.025) [2.083]	0.1341*** (0.019) [1.751]
Measles	0.1114*** (0.019) [1.584]	0.1346** (0.026) [1.719]	0.1153*** (0.019) [1.589]

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio []. N = 6378

*The NN with Calliper / Kernel matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*

**Table C8: Diarrhoea treatment and access to birth registration in Sierra Leone**

	Unmatched	Matched		
		NN with calliper	NN	Kernel
Given oral rehydration	-0.0002 (0.120) [0.913]	-0.3573** (0.174) [0.440]	-0.4550* (0.254) [0.300]	-0.0803 (0.139) [0.840]
Given recommend. home solution	-0.0864 (0.097) [0.744]	0.1120 (0.144) [1.563]	0.0423 (0.238) [1.167]	-0.0982 (0.116) [0.740]
Given antibiotic pills or syrups	0.0827 (0.061) [1.576]	0.0753 (0.087) [1.386]	-0.0423 (0.135) [0.843]	0.0961 (0.069) [1.503]

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio []. N = 290

*The NN / NN with Calliper matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*

**Table C9: Nutrition vs. birth registration status in Sierra Leone.**

	Unmatched	Matched	
		NN with calliper	Kernel
Stunting	0.0127 (0.010) [1.058]	0.0246* (0.013) [1.331]	0.0072 (0.010) [1.077]
Underweight	-0.0030 (0.009) [0.940]	0.0092 (0.012) [1.004]	-0.0067 (0.009) [0.919]
Wasting	0.0024 (0.006) [1.049]	0.0104 (0.007) [1.346]	0.0014 (0.006) [1.049]
Breast feeding	-0.1953 (0.324)	0.9622** (0.418)	0.0537 (0.342)

Note: \*\*\* significant at 1% level, \*\* significant at 5% level and \* significant at 10% level. Standard Error in (), odd ratio []. N = 6378

*The NN with Calliper matching technique has been used within the presentation of these findings because it produced better matching diagnostics compared to the other matching techniques used here.*

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**Plan International**

Plan has been working for and with children for more than 75 years. We currently work in 50 low- and middle-income countries across Africa, Asia and the Americas to promote children's rights and lift millions of children out of poverty. We focus on the inclusion, education and protection of the most marginalised children in partnership with communities, local and national government, and civil society.

Plan works with more than 90,000 communities each year, covering a population of 78 million children.

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Coram Children's Legal Centre (CCLC) promotes and protects children's rights in the UK and overseas. Its international team provide consultancy services on a wide range of children's and women's human rights covering policy, law reform and practice. In addition, the Centre runs its own projects funded by the EU and a range of trust.

In the UK, Coram Children's Legal Centre provides legal information, advice and representation to children, young people, their families, carers and professionals in all areas of family, child and education law, as well as immigration, asylum and nationality law, including: domestic violence and child protection.

Part of the Coram group of charities, CCLC is staffed by lawyers and professionals with expertise in child, family, education, immigration and human rights law.

**International Observatory on Statelessness**

The International Observatory on Statelessness (IOS) was created in March 2007 as a collaborative project between Oxford Brookes University and the Refugee Studies Centre, University of Oxford to: collate national data on patterns, types and conditions of statelessness to further knowledge; promote research on patterns and causes of statelessness by means of gathering data on the state of nationality and citizenship legislation, systems of protection, and factors that contribute to the problem of statelessness; and act as a clearing house for NGOs, academics, advocacy groups and policy-makers working on issues of statelessness. The IOS is currently based at Middlesex University, London.

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